

**Minutes  
Warrensburg Planning Board  
June 8, 2010**

**Board Members Present:** David Spatz, Laura Moore, Shale Miller, Danielle Robichaud (Alternate), Art Healy

**Board Members Absent:** Joyce Harvey

**Others Present:** Tom Lewis, Jonathan Lapper, Nancy Trimbur, Wendy Cimino, Attorney Mike Hill, Tony Stein, Morgan and Fay Crandall, Kathy Ferullo, Steven and Laura Danna, W. Paul Weick, Paul Gilchrist, Gary Rounds, Ruth Fruda, Linda Hall, Amie Hill, Lisa West, Mary Beadnell, Dr. Rugge, Cathy Monroe, Kathy Haskell, Linda Moulton, Betty Geraghty, Kathy Galusha, Gary Cooper, Faith Buck, Jean Hadden, Mr. and Mrs. Knowles, Dorothea Potter, Brett Lamy, Io Bruce, Shane and Diane Newell, Kevin and Kim Belanger, Donne Winslow, Gerald Reed, Eileen Frasier, Pete Haggerty, Austin Markey, Larry Lawler, Ted Kalisz, Jane LeCount, Theresa Whalen, Linda Lamy, Phyllis Jacobs, Lynn Smith (Alternate PB Member), Matthew Lalone, Tina Sackman, Robert Maltbie, Thom Randall, Matthew Lalone, Joe Pereira, Abelina Cardoza, Dayelin Roman, Don and Yvonne Miller, Robin Szabo, Alex Szabo, Maynard and Mrs. Baker, Michelle Wortman, John Goettsche, Regina Porter, Katie Annis, Patti Corlew, Chris Belden (Zoning Administrator) and several others

**Meeting Commenced at 7:00 p.m.**

Mr. Miller - ...meeting of the Warrensburg Planning Board to order, June 8, 2010. We have quorum. We have old business, but we're just going to read a prepared statement first, then we'll get to old business.

Mrs. Moore - Okay. This is general information for those that are present and hopefully beneficial to all. Welcome. This information is provided by the Warrensburg Planning Board to help members of the public participate in meetings of the Planning Board. We recognize that members of the community may rarely, if ever, attend meetings of the Planning Board until they realize issues coming up for review may affect their neighborhood or their town as a whole. When that occurs, citizens are provided a forum to affect their neighborhood or the town as a whole. Whoops, sorry. When that occurs, citizens are provided a forum to communicate their concerns to the town; either for or against an issue before the Board. We welcome this input and the language used to organize the meetings of the Planning Board. This forum is called a Public Hearing. How does the Planning Board prepare? In preparation for hearing an application, the Town Planning Office and the Planning Board review a great deal

of information. The application is checked to insure it's complete before the items get on the agenda for review. Before the meeting, members of the Planning Board typically drive to the project site to ascertain for themselves the context and impact of the project. The information from professionals is also received on all aspects of the application, including traffic studies, environmental reports, engineering comments and peer reviews on the technical design, etc. These additional reports vary according to the nature of the project. However, as much as this advanced study as possible is completed prior to the night of the meeting. One aspect of a proposed project, which is difficult to obtain in advance is the impact of the project upon the residents of the town. This is the reason for the public hearing. What it is - the public provides a means for town residents to present information to the Planning Board about how they feel the project impacts them. This is very valuable information for members of the Planning Board. The public hearing is not a debate or to be unpleasant to the applicant for making the application or unpleasant to anyone else. All comments are to be directed to the Board. Tips for presenting comments. There are seven of them. 1) Remember that members of the Planning Board may not live in your neighborhood. Try to explain your comments in a way that can be understood by someone unfamiliar with the area. 2) Be specific, accurate and concise. There may be many who wish to speak, so the Planning Board Chairman will advise everyone of the time limit for participation. 3) Avoid repeating comments made by others. Due to time limitations, you may prevent someone else from speaking who has something new and important to say. 4) Avoid personal attacks and impolite language. You might unintentionally discredit the important information you are presenting. 5) Please turn off your cell phones so you will not disturb others. 6) Remember the information you are sharing to offer remarks about the subject matter under consideration by the Planning Board at the location proposed by the applicant. 7) Please refrain from discussion or making noise when others are addressing the Board, as it will interfere with transcribing the minutes. Thank you.

Mr. Miller - Okay. Old business, do I get any comments on the minutes from May 18th? Do we have any..?

Mr. Healy - I make a motion we pass the minutes of May 18<sup>th</sup>.

Mr. Spatz - I'll second that.

Mr. Miller - All those in favor.

## **RESOLUTION #2010-16**

Motion by: Art Healy

Seconded by: David Spatz

**RESOLVED**, to approve Planning Board minutes of May 18, 2010 (without correction).

Ayes: David Spatz, Laura Moore, Shale Miller, Danielle Robichaud, Art Healy

Nays: None

Mr. Miller - Okay. Alright. We have a public hearing open from last, May 18<sup>th</sup> for subdivision 2010-2 for tax map 210.1-1-15, 231 Hudson Street. The applicant is Tony Stein from Echo Lake Camp, to allow a two lot subdivision. Let's see. Tony, you're here. You want to step up and give a, just a quick, let everybody know what you're doing.

Mr. Stein - Sure. I think it's going to be the least controversial thing of the night.

Mr. Miller - It might be, but...

Mr. Stein - I have some property goes down on Hudson Street.

Mrs. Corlew - Mr. Stein, can you just, you're addressing the Board. Can you stand behind the...?

Mr. Stein - Oh sure, sure.

Mrs. Corlew - Yeah.

Mr. Stein - Sorry. Sorry.

Mrs. Corlew - That's okay.

Mr. Stein - I have... My property goes down Hudson Street, Hudson Street extension. I have a couple of folks who've been working with us for about 35, 40 years. They want to move to Warrensburg, and I'm just carving out a one acre lot right next to the Quitoni's lot, another (inaudible) Echo Lake family of ours that we carved out a property for down, down the road. So I'm just carving out one acre so that they can build a small house on it and live in Warrensburg.

Mr. Miller - Okay. Any questions from the Board for Mr. Stein?

Mr. Healy - I drove out there, saw stakes and I, were staked by the fire hydrant. That's where the stakes are.

Mr. Stein - I believe so, yeah.

(Tape inaudible).

Mr. Stein - Yep.

Mr. Healy - Okay. Thank you. I've seen it.

Mr. Miller - Anybody from the public with any comments or questions on this? Okay. I will close the public hearing on this at 7:05. And can I get a motion to approve the subdivision.

Mrs. Moore - I'll make that motion to approve subdivision 2010-2, tax map #210.1-1-15, 231 Hudson Street. Applicant is Tony Stein/Echo Lake Camp, Inc., to allow a two lot subdivision.

Mr. Spatz - I'll second.

Mr. Miller - All those in favor.

Mr. Hill - Mr. Chairman?

Mr. Miller - Yes.

Mr. Hill - I'm sorry. Before you vote on this, just procedurally, may I ask a, a question.

Mr. Miller - Sure.

Mr. Hill - Please? Has the Board done a SEQRA review on the proposed subdivision?

Mr. Miller - Not on that one, no.

Mr. Hill - Okay. I think SEQRA review is necessary and I think under the circumstances, I'd recommend that you hold the public hearing open for the time-being.

Mr. Miller - Okay.

Mr. Hill - Can the applicant complete a SEQRA short form and submit that to you, so we can go through SEQRA.

Mrs. Moore - It's actually already done.

Mr. Miller - It was already done?

Mr. Hill - Is it already done?

Mrs. Moore - No. Can I have that, Art?

(Tape inaudible).

Mr. Miller - I thought he had done it.

Mrs. Moore - Okay. Addressing SEQRA's. I'll read through the questions and the Board, I'll give you some guidance through that and I'll start. Part II, Impact Assessment A. Does action exceed any type I threshold and 6NYCRR Part 617.4? No.

Mr. Miller - No.

Mrs. Moore - B. Will action receive coordinated review as provided for unlisted actions in 6NYCRR Part 617.6? No. We're the only, we're the only ap, are the only agency interested in this project at this time. C. Could action result in any adverse effects associated with the following: C1 existing air quality, surface or ground water quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential erosion, drainage or flooding problems?

Mr. Spatz - No.

Mrs. Moore - No. C2 aesthetics, agricultural, archeological, historic or other nature or cultural resources or community or neighborhood character. No. C3 vegetation or fauna, fish, shellfish or water life species, significant habitats or threatened or endangered species?

Mr. Miller - No.

Mrs. Moore - No. C4 a community's existing plans or goal as officially adopted or changed in use or intensity of use of land or other natural resources?

Mr. Miller - No.

Mrs. Robichaud - No.

Mrs. Moore - No. C5 growth subsequent development or related activities likely to be induced by the proposed action? No. C6 long term, short term, cumulative or other effects not identified in C1 or C5? None. C7 other impacts (including changes in use of

either quantity or type of energy? No. D. Will the project have an impact on the environmental characteristics that cause the establishment of a critical environmental area?

Mr. Miller - No.

Mrs. Moore - No. Letter E. Is there or is there likely to be controversy related to potential adverse environmental impacts?

Mr. Miller - No.

Mrs. Moore - No. I'll make a motion that this project will not have, result in any significant adverse environmental impacts.

Mr. Healy - I'll second it.

Mr. Hill - You're making a motion for a negative declaration?

Mrs. Moore - Correct. Yes.

Mr. Hill - It's a motion for a neg dec?

Mrs. Moore - Yes.

Mr. Miller - You made the motion (addressing Mr. Healy)?

Mrs. Moore - I made the motion.

Mr. Healy - She, she already made the motion.

Mr. Miller - You seconded it?

Mr. Healy - I seconded it. All those in favor.

#### **RESOLUTION #2010-17**

Motion by: Laura Moore

Seconded by: Art Healy

**RESOLVED**, to deem application SUB #2010-2 by Tony Stein/Echo Lake Camp, Inc., for tax map #210.1-1-15 for a two lot subdivision as having a negative declaration under SEQRA review.

Ayes: David Spatz, Laura Moore, Shale Miller, Danielle Robichaud, Art Healy

Nays: None

Mr. Healy - My paper back.

Mr. Hill - Mr. Chairman?

Mr. Miller - Yes.

Mr. Hill - Having completed the SEQRA review, I think procedurally, I'd suggest that you ask again if there are comments from the public, anyone wishing to comment on the project and then if none, close the public hearing.

Mr. Miller - Okay. Does anybody have any comments on this project? Okay. We'll close the public.. I need to close the public hearing.

Mr. Spatz - I'll motion to close the public hearing.

Mrs. Moore - I'll second.

Mr. Miller - All those in favor.

#### **RESOLUTION #2010-18**

Motion by: David Spatz  
 Seconded by: Laura Moore

**RESOLVED**, to close the Public Hearing for application SUB #2010-2 by Tony Stein/Echo Lake Camp, Inc., for tax map #210.1-1-15 for a two lot subdivision.

Ayes: David Spatz, Laura Moore, Shale Miller, Danielle Robichaud, Art Healy  
 Nays: None

Mr. Miller - Now, can I get a motion to approve this subdivision?  
 Mrs. Moore - Make a motion, motion to approve site plan 2010-2. Tax map is 210.1-15, 231 Hudson Street. Applicant is Tony Stein/Echo Lake Camp, Inc., to allow a two lot subdivision.  
 Mr. Spatz - I'll second.  
 Mr. Miller - All those in favor.

**RESOLUTION #2010-19**

Motion by: Laura Moore  
 Seconded by: David Spatz

**RESOLVED**, to approve application SUB #2010-2 by Tony Stein/Echo Lake Camp, Inc., for tax map #210.1-1-15 located at 231 Hudson Street, for a two lot subdivision.

Ayes: David Spatz, Laura Moore, Shale Miller, Danielle Robichaud, Art Healy  
 Nays: None

Mr. Miller - You're all set, Tony.  
 Mr. Stein - Thanks, Shale.  
 Mr. Miller - Okay, now we're going to open the public hearing for SPR 2010-4, tax map 211.13-1-39, 3827 Main Street. Actually we're going to let the gentleman from Stewart's present...  
 Mrs. Moore - Provide a presentation.  
 Mr. Miller - Yeah.  
 Mrs. Moore - Please.  
 Mr. Lapper - Good evening, everyone. For the record, I'm Jon Lapper, the attorney for the project and with me is Tom Lewis on behalf of Stewart's. Dr. Rugge is here on behalf of Hudson Headwaters and Wendy Cimino, Traffic Engineer, from Creighton Manning. We'd just like to make a short presentation about the site plan and answer any questions the Board has and then of course, we'll answer any questions that we hear from the, from the public

after the public hearing. This is an important project for both Hudson Headwaters and for Stewart's. For Stewart's, this just affords a site that works much better in terms of the configuration, traffic layout than where they are now, which is absolutely inadequate. The site works very well in terms of lighting, landscaping, access to, to Main Street. So we'll go through the site details and then ask Wendy to just discuss the traffic issues. She's done the traffic study and she's been communicating with DOT and with Warren County DPW...

Mr. Danna - Can you talk louder please?

Mr. Lapper - Yes.

Mr. Danna - Thank you.

(Tape inaudible).

Mr. Lewis - I'm Tom Lewis. I'm the real estate representative for Stewart's Shops. I just want to give the Board...

Mrs. Moore - Turn it up. Patti, can we turn that up? There's no, there's no way to turn that up?

Mr. Danna - Can you raise up the mike so...

Mrs. Moore - You can take it out of the stand if you wish.

Mrs. Corlew - I can (inaudible) the stand...

(Tape inaudible).

Mr. Lewis - Can you move this over here?

Mr. Miller - Yeah, go ahead.

Mrs. Moore - Okay. Yep.

Mr. Lewis - Is that better?

Several People - Yes.

Mr. Lewis - I just want to hand out the site plan. The only difference between this and what you have on the big sheets is that this shows that off of Elm Street is a right out only. And this is one more hand-out before I go over the site. We were e-mailed a long list of questions and comments from the May 18<sup>th</sup> meeting. And there's a few sheets here. One, the second sheet is exactly what I received. The first sheet, I just ordered them by category, so you'll see site plan, site plan, site plan, lighting, lighting, lighting, traffic, traffic, traffic.

Mrs. Moore - Okay.

Mr. Lewis - Got lots to hand out. Just to go over the, the site, just so everybody understands just what's involved, the acreage is 1.16 acres. Our building is two thousand... Our proposed building is 2968 square feet. We meet all the setbacks. The green space is 24%. The existing office building which his going to remain is 5355. And as I think I said at, at the public hearing on the rezoning, originally our intent was we were going to knock this building down. And then we saw letters and I got phone calls from people who were very, very unhappy with our developing this next to Elm Street, so that we discussed it with Mr. Dake, the owner, and we agreed that it made sense to leave that building there so that all of the folks who

live over on Elm and Library will basically see the same thing. There's just this little piece over here. So that was how that ended up happening. The gas island is 2,025 square feet. There are four pumps. There are two underground storage tanks. Those are right over here. There's a curb cut on Route 9 and Stewart Farrar. They are both 40 feet wide, which was asked for by the County DPW so that our tanker and our deliveries were able to navigate in between Route 9 and Stewart Farrar. And as we get into answering some of the comments that we had received and also Laura Moore sent another sheet, we'll, we'll have a hand-out that shows that movement. Warren County DPW were only okay with the access out of Elm if we made it right-out only. And we certainly understand why they did that. We're proposing 32 parking spaces which will accommodate our customers substantially better than our old location which is severely under parked and, and too small. There's also six additional parking areas for what would be an office building over here for the folks. If that's ever rented out, all of our lighting is the new LED lighting. I don't know whether you've even seen that, but it is extraordinarily down-lit, so that all the lighting remains on the site and there's no leakage off the site. I think it's about two and a half times more money and it's well worth it. Ya know, we are, we are unlike you go to Mobil's or Hess and I'm not disparaging them, just, just the facts are that their lighting is almost always substantially more than ours and folks will see us here. We've added landscaping wherever it, it'll fit. We've only proposed two signs; one of the building, which is 21 and a free-standing sign which is 32 square feet. We had originally thought that the town might want an Adirondack building, but we were asked by the Board the first time we were here to submit what we have submitted. So there's some generalizations about the site. I'd like to turn it over to Wendy and she can go over the traffic report.

Ms. Cimino - Good evening. I'm Wendy Cimino, Creighton Manning Engineering. We were the traffic consultants for this, this project and our traffic study, we basically looked at four off-site intersections; two at Route 9 with Emerson Avenue and the Stewart Farrar Street and also on Elm Street, the Stewart Farrar intersection and Liberty Avenue.

Several People - Library.

Ms. Cimino - I'm sorry, Library. I thinking Liberty; Library. We looked at the a.m. and p.m. peak hours. Typically the p.m. peak hours, from four to six in the afternoon which is more your commuter peak and your morning is seven to nine in the morning. We moved that afternoon peak a, an hour ahead from three to five, so that we could move more of the school traffic since we knew that was a, a concern, the operation of the school. And we also made sure we counted on a typical weekday when school was in session. And I know



there was questions about pedestrians, so we did, we counted the pedestrians out there. There was a crossing guard that was at the Library Avenue intersection during the morning peak hour. During the afternoon peak, that crossing guard was moved up closer to the school, farther down the street. There was a handful of, of pedestrians that we counted. There wasn't a lot. I know that we did receive a letter that there was some, ya know, comments on why there weren't a lot of pedestrians and I, I mean, we counted what was there. There was probably ten or less than, at each of the intersections, but my guess would be that probably a lot of kids don't, more, really walk to school as much of might, people might think. I think that the, the days of walking to school might, might be less, but there are definitely pedestrians out there. We counted them. The guards were there when they needed to be.

Mr. Miller - Excuse me. Can everybody please refrain from speaking? Thank you.

Ms. Cimino - So typical of any other traffic study that we do, we took those, those counts that we did on the, on the weekday morning and afternoon, we break that down to a one hour peak period. Since the design here for this project is this year, we didn't add any general background growth, which is just a general percentage that we would add to the traffic to account for general growth in traffic. We also talked to the Town and made sure there weren't any other development projects that were going on that we should account for, and there was not any. So we just looked at existing and billed for, for this project. To obtain our build volumes, we look at the Institute of Transportation Engineers has a manual and that's industry standard for estimating trip generation, we looked at that and come up with about, morning is about 135 trips and in the afternoon about 150 trips, but because of the land use here, there's what we call pass-by trips, which is a large percentage of the trips to this type of use (inaudible) already traffic that's on your road, on your roadway network and they're already, already traveling. They would be here whether or not the Stewart's was here and now they're going to stop in at the Stewart's and then continue on their way. For this type of land use, approximately 60% or even more, it can be accounted for, which drops those new trips down to about 50 and 60 in the peak hours and also because this is an existing site that's, ya know, 1900 feet down the street, we could have taken credits. We didn't take additional credits, because obviously a lot of the traffic that's already utilizing the existing Stewart's is now going to move up the street. So ya know, to provide even more conservative, conservative analysis, we didn't, ya know, start taking a lot of credits onto the volumes. Then we run this highway capacity software analysis which gives us the level of service at the intersections. A level service A, it's similar to a report card where an A is the best with the littlest, smallest vehicle delay and

a F is the worse condition, and that analysis indicated that the four study area intersections, as well as the site driveways, operate, ya know, adequately with, ya know, little, not little delay, but level service C or better, which is ya know, very good conditions for unsignalized intersections. Another analysis we did because of the seasonal nature of this area, we did do a seasonal adjustment analysis which those factors again are obtained from New York State DOT which increased the volumes on Elm and Route 9 by about 25%. Ran all the analysis again and again found that the intersections operate adequately. We did, we focused our analysis... Obviously this, this time of year because the school we thought was the more critical analysis than the, than the seasonal and also note that during the seasonal when a lot of the, the seasonal traffic study is probably on Route 9 and even the pass-by trips might be even more that time of year. The other thing we looked at is sight distance, which is the visibility entering and exiting at the site driveways, and again we compare those to industry standards which is based on the American Association of State Highway Transportation officials. And that's based on speeds that were measured in the field and again, those are adequate, but what we did note in our report is that there is a lot of on-street parking in the area and typical to any area, even urban areas that have on-street parking, there is a chance that if there's a car parked close to the intersection, it will block the visibility. So there's, there's two choices; you could either live with that condition and realize that people will pull up. They'll kind of nudge up a little bit so they can see better or you can restrict the parking, ya know, 25 feet out so that it just clears it and it gives a better visibility. A couple of other things just to quickly go over. We did letters from both the New York State Department of Transportation and the County reviewing this study, and they both, ya know, signed off and indicated they were in agreement with our study. New York State DOT gave conceptual approval of our access we have proposed on Route 9. One of the other things we looked at was... I believe it was the town that might've asked us to look at the bump-outs on Route 9. There are some curb bump-outs adjacent to the driveway. We did look at those when we were out in the field to see if, ya know, adding this site was going to create a different situation or a situation where we thought those bump-outs should be removed and we don't think they should. And again, New York State DOT agreed with that recommendation. And one other quick thing; we had looked at a... There was a question on whether we should limit some of the access and have Route 9 be an exit only and Stewart be an entrance only and we don't, we don't think that's a good recommendation. First off is, it, it's now forcing all of your traffic to go onto the side road. It's more, more turning movements. If there's cars on Route 9, they could just go in and out of sight. They're now all, ya

know, making additional turns. Also, more of a confusion issue, people would expect there to be, ya know, the normal pattern at a, at a gas station is typically is to have full access, especially on your main road, the State Highway. So we feel it would, it would create confusion. Where there's confusion, there's people making wrong moves, especially in an area where there's seasonal traffic. I think that's about it. Did I miss anything?

Mr. Lapper - They'll have questions.

Ms. Cimino - Yeah, if you have questions... I mean, I kind of...

Mr. Miller - One of the things that was brought up before was the, the Milton Street bridge project and...

Ms. Cimino - Right, and, and...

Mr. Miller - .....how that was affect things.

Ms. Cimino - I did look at that. What we did was, we distributed the traffic based on, ya know, the, the average, ya know, the daily traffic too. We look at daily traffic. We look at peak hour traffic. We look at, ya know, we take a lot of different things into account when we distribute the traffic on the driveways. When we did our analysis, we have about 60% of the traffic coming in and out on Route 9. I did look at changing those. I, ya know, if we added more traffic coming in and out Library Avenue... What we try to avoid is breaking up the traffic so much when we do our analysis that it seems like we're trying to throw everybody everywhere and not really look at some critical movements, like the, ya know, the driveways and Route 9, where there's a lot more traffic. So, ya know, based on the capacity of the intersection. If the, ya know, if it was moved around and there was more coming from that side, ya know, capacity wise, the intersections can more than handle, ya know, the switching of the traffic. The other thing I forgot to mention was, with the one-way, the one-way driveway's not only externally, there's internal concerns also. Just because when people pull into a gas station, you kind of align yourself and wherever your tank is and your, ya know, vehicles are turned in all different directions. So now if you have a limitation of where they have to exit or where they have to enter. Now you're backing up vehicles 'cause they're making turn on site, and that could impact and impede with your flow in and out cause a lot of fender benders internally.

Mr. Miller - Anybody else have any questions for her?

Mr. Healy - I'd like to ask a question. When you made this analysis, Mr. Lewis said something about the County had made this a one-way. Did you know that...

Ms. Cimino - Yes.

Mr. Healy - ...at the time?

Ms. Cimino - Yeah, the one way, the right turn out only on Elm?

Mr. Healy - Right.

Ms. Cimino - Yes.

Mr. Healy - Did you know...

Ms. Cimino - Yes.

Mr. Healy - ...that when you made this analysis?

Mr. Cimino - Yeah, we... Yes. We had talked to the, the County and the State before and after and knew that that was something that they really desired. So that was how our analysis was.

Mr. Healy - Okay. Thank you.

Mr. Lewis - If it's okay, because the, the list we had gotten after the 18<sup>th</sup> and then Laura's list, if it's alright to, for the Board to open it up to the public, so I write down all their comments and then address that along with all the other ones. Does that work?

Mr. Miller - Yes.

Mrs. Moore - Yes.

Mr. Miller - Okay. It is 7:29. I'll open the public hearing for SPR 2010-4, for 3827 Main Street. The applicant is Stewart's Shops Corporation. Who would like to come up first? Yes, and just to add again, the same as last time. There is a three minute limit on the presentations.

Mr. Weick - Good evening, members of the Board. My name is Paul Weick, W E I C K. Speaking of the three minutes, I wanted to ask the Chairman if he would please delegate their three minutes to a single speaker so that a person could have more than three minutes? For instance, if my wife wanted to give me her three minutes. They do that in the House and the Senate.

(Laughter).

Mr. Hill - Mr. Chairman, if you're going to consider doing that, then as a matter of practicality, you probably want to consider the number of people in the room and the length of time that it might take to get through comments if, if three minutes, if everyone takes three minutes or delegates their three minutes to someone else.

Mr. Miller - It's going to get, it also be kind of convoluted.

Mr. Hill - You can do so if you wish. It's completely discretionary.

Mr. Miller - How does everybody else feel about that?

Mrs. Weick - I'm happy to donate my three minutes.

Mr. Weick - Wives only?

(Laughter).

Mrs. Moore - Just be conscious that other people wish to speak to.

Mr. Weick - Hm hm.

Mrs. Moore - If we could raise it to, to four, I mean, is that acceptable? Is four minutes long enough?

Mr. Weick - Okay. I'll try.

Mrs. Moore - Alright. We'll try it.

Mr. Weick - And the, my next question is, if I can ask the Board to clarify a few things before my three minutes begin, if I may ask a few questions of the Board?

Mr. Miller - Actually, I don't know. That's...

Mr. Weick - For instance, my first question is, is it the consensus of this Board that the State SEQRA Law has been complied with for both the rezoning and the construction of the Stewart's?

Mr. Hill - Mr. Chairman, if I may, may...

Mr. Miller - You may.

Mr. Hill - ...I speak to that issue? The Town Board reviewed the project for SEQRA and complied with the State Law, the State Environmental Quality Review Act in doing so. It conducted the necessary SEQRA Review for both the rezoning and for the proposed convenience store; therefore, this Board, our recommendation as counsel is that this Board has no SEQRA responsibilities, no SEQRA review responsibilities.

Mr. Weick - May I ask what negative declaration that the Board and Town Counsel is relying on to state that the construction of Stewart's Store #125 has gone through the SEQRA process?

Mr. Hill - A Negative Declaration was filed as required.

Mr. Weick - On 3/16, is that the date of the one you are, are referring to, sir?

Mr. Hill - I don't...

Mr. Weick - And I'm sorry, I didn't catch your name.

Mr. Hill - My name is Mike Hill.

Mr. Weick - Okay.

Mr. Hill - I'm an attorney with the law firm of Miller, Mannix, Schachner and Hafner, counsel for the Planning Board.

Mr. Weick - Mr. Hill, has there only been one Negative Declaration file with the State?

Mr. Weick - As far as I know, that's correct.

Mr. Weick - Okay. May... With the Board's permission, may I put up an excerpt from that Negative Declaration on the easel?

Mr. Hill - Mr. Chairman, I would advise that the Board ask Mr. Weick to direct his comments about the site plan review to the Board at this time. This is not an opportunity for review of this, the Town's review of SEQRA.

Mr. Miller - I agree.

Mr. Weick - With all due respect, Mr. Hill, and you're an attorney and I'm not, but when I read the description of the action. It states, the action consists of the amendment to the town zoning map to rezone a portion of approximately 1.16 acre located at the corner of Main Street and Stewart Farrar Avenue which will permit operation of a convenience store. I do not see anything in this negative declaration that says anything about the construction of a gas station or convenience store.

Mr. Hill - Mr. Weick, the Town Board SEQRA review was properly conducted, and the Negative Declaration was properly filed. My advice to this Board is to advise Mr. Weick that he's using his time to comment on something that this Board is not going to be reviewing.

Mr. Weick - With all due respect, again, Mr. Hill, it is a requirement of State Law 617.3A that SEQRA be complied with before this Board moves forward to site plan review. And if this Board wants to state that the questions that the Town Board answered in Part 2 on the special hearing of 3/16/2010 applied to the construction of the Stewart's, I would like to ask why on question 5, that no check was put on the Part 2, completed by the Town Board or the question, proposed action will require the store of petroleum or chemical products greater than 1,100 gallons. My understanding, and Mr. Lewis could probably answer this is that there's going to be two gas tanks, one 16,000 gallons and one 15,000 gallons, for a total of 21,000 gallons. So I'm having a hard time understanding how this Part 2 completed by the Town Board could possibly be applied to the construction of a gas station when this question's completely blank. I have, I have, I have it right here. I FOIL'd for it. It's completely blank.

Mr. Hill - Mr. Weick, again, my response is going to be to the Planning Board, and my advice to you as your counsel is that this is a forum for review of the Town Board's SEQRA review for this project. The Town Board properly conducted SEQRA Review for both the rezoning and the construction of the proposed convenience store and the Town properly filed the Negative Declaration for the project. You do not have a SEQRA responsibilities here. SEQRA has been done.

Mr. Weick - Mr. Hill, I'm very confused and I'd like to, to ask you perhaps, and to the attorney, on this Negative Declaration which part says anything about construction of a gas station?

Mr. Hill - Mr. Weick, again, the Town Board conducted SEQRA review for the proposed rezoning and the contemplated or proposed convenience store.

Mr. Weick - It does not say this.

Mr. Hill - SEQRA is over and done.

Mr. Weick - Well, okay. I, I, I won't ask anymore questions 'cause I can see that it's not going anywhere, but there are at least several other questions on the Town Board's completion of Part 2 that have been left completely blank, including...

(Tape inaudible; people talking at once).

Mr. Hill - Mr. Chairman, I, I'm going to suggest that...

Mr. Miller - Again, he has said it a couple times. We want to talk about the site plan review of this. If you have an issue...

Mr. Weick - Okay. Okay.

Mr. Hill - ...with what the Town Board did, there's a meeting next month, this month.

Mr. Healy - Tomorrow.

Mr. Miller - Tomorrow.

Mr. Weick - Okay Well, that's fine, but I will just state for the record then, that I believe this site plan review is being held in

contradiction to Section 617.3, letter A, which I do have on my board, but you don't want to put it up there. It says you cannot undertake or approve any action until SEQRA has been complied with. I have been in contact with the SEQRA office for New York State and when I told him about that 1,100 gallon thing, to say that they were shocked that that was left blank and that the Town is now claiming that is for a construction of a gas station, to say that they were shocked is an understatement and they also told me that this is the kind of substantive, substantive, non-compliance with the Law that would be very vulnerable to an Article 78 challenge. So I'll conclude by saying that I think it'[s very sad that we're here tonight. I think it's sad that so far the Town Board and the Planning Board have shown little concern for all the people who have written and spoken out at the meetings, that this is the wrong place, in a residential neighborhood, in a historic district that should not be here no matter how badly how Hudson Headwaters wants to sell the property and no matter how bad the parking situation in Stewart's own lot where they currently are, and no matter how badly the Town wants the tax money and is afraid that Stewart's is going to move across the river to Lake George. None of those are good enough reasons to approve a project in a residential neighborhood that was substantially destroy the peaceful enjoyment of people's homes.

Mr. Spatz - Mr. Weick, your time is up. Thank you.

(Applause).

Mr. Healy - I think at the last meeting... I think at the last meeting, I made a statement saying that we were here for zoning. Today we're here for a plan site review.

Mr. Miller - Right.

Mr. Healy - I don't know where zoning's got anything to do with this meeting for this Board. This Board has nothing to do with zoning.

Mr. Miller - Next.

Mrs. Potter - I'm Dorothea Potter. To say that I'm completely incensed about this but I don't know how else to say it. I live directly across from where this doing to be. That means that when I open my drapes in the morning, I'm going to look at a see of blacktop with gas pumps. To say that that would make it, I don't think any of you would like to do that; not when you've had this home for a long time and whatever. And the church is next to you, the library is there, there's bed and breakfasts. It's a beautiful neighborhood, and I think it's ruined. Now they said, oh, Stewart's is a nice place. I don't have any question about that. It's a very lovely thing. When they were an ice cream store, it was wonderful, but they're a gas station now. And they've got all these pumps out there. They're going to have tankers coming in. They're going to have tractor trailers coming. And their hours are from 5:00 a.m. until midnight. Now how do you live when you have this kind of

confusion all those hours, and you're an old couple. That's what we are. Now, what about in the winter, they going to plow all night. They've got a blacktop. How do they get it ready for the things? Ya know, that's another question. Alright they said that they're going to have the vehicles come in on Route 9. They're going to come out right directly in front of my house. If anyone parks in front of it, they're going to have trouble making the turn. Does that mean we're not going to be allowed to park on our side of the street. So my house is going to be isolated then? On church days we try to use that street. There is no parking on Main Street, so... There's no parking on Elm Street on most of it. Just a little bit on Stewart Farrar. Now they're going to say 25 feet on either side of that thing has to be clear so trucks and stuff can get in and out. That takes up most of the street. That's a (inaudible) street. Tiny little street. The other thing... One of the things that I've read about this was that there were plans to replace the store they have down there because they said it won't make difference. It'll just move the traffic from that area up to our area. Fine. Are you sure they're really going to close it, that they're not going to end up with two stores? I don't know. They already took that lot there, the lot that was supposed to be office, and then they changed it to commercial. They are no other commercial lots on Elm Street, by the way. The Elm Street parking lots are a Main Street address, so the business is on Main Street. Alright. Now they're going to put that there. What is to keep 'em, now that they've got this all (inaudible) from putting in two or three extra stores. If they're going to keep the other one now. They're going to keep that other building. Put something else in that. What's going in there? I don't know. It could be some other type of thing that's going to bring more traffic and more noise and more, other things. You've given them the variance, you've given them the chance. Who knows? It could turn into when of their Lake George video or dirty t-shirt or what other type of thing. But it's certainly going to change the quality of my neighborhood. I can tell you that. And I'm unhappy about that. Hudson Headwaters was supposed to build a nice building there; keep their employees there. Gone. I'm disappointed, very disappointed.

(Applause).

Mr. Belden - If I could just ask one question of the Board. Is the time limit still at four? Is it at four now or three?

Mr. Miller - Four.

Mr. Belden - Four minutes, okay.

Mr. Lamy - Members of the board, I promise you, I'll be less than four minutes. My name is Brett Lamy. I live on 40 Elm Street which happens to be on the corner of Elm and Library, right across the street from the proposed right exit only that Stewart's is planning. I have nothing against Stewart's. I have a family member who works



for Stewart's (inaudible) and John Rugge's my physician, for crying out loud. I hold him in the highest esteem. The only think I ask this board to recollect is this. It wasn't that long ago when a private charitable institution wanted to open a thrift shop on Elm Street and members of this Board, Shale, you remember, I'm not sure if anybody was, denied that application based on the impact it was going to have on the character of that neighborhood. And when you consider the footprint that Stewart's is willing to put on that neighborhood versus the footprint that this charitable institution was willing to put in this neighborhood, there is a clear difference here, and if you think that the imprint that that small charitable institution was going to have and was going to impact on the neighborhood negatively, I ask you to recollect that hearing and that decision and applied it to this one. That's all I ask.  
(Applause)

Mrs. Moore - For clarification... Excuse me, clarification. That particular application, the application was withdrawn from our review. So there was no further on that application.

Mr. Miller - Never acted on it.

Mrs. Moore - Never was acted on. Sorry.

Mrs. Bruce - Hi. I'm Io Bruce, I live at 7 Library Avenue. I think a lot of us that live on Library Avenue are concerned about what you brought up, the Milton Avenue bridge work. As soon as they closed that bridge, we've seen less in traffic and it's made our lives a lot easier. I teach at the High School, so I have to try to get out of the driveway to get to school on time and when you open up that bridge, our concerns are all the traffic from Thurman are going to go over the bridge up Library Avenue and straight into Stewart's. There are no street lights from Thurman all the way to Warrensburg. If you're trying to get out of the driveway at that time, you cannot. This is our big concern right now. My children are graduating so they're not walking to school, but school gets out at 2:45, not 3 o'clock, and they have lots of after school activities right there. Thank you for your time.

Mr. Spatz - Thank you.

(Applause)

Mr. Newell - My name's Shane Newell. I live on 29 Library Avenue. My experience certainly as a town citizen for the past 25 years and the last 15 years I've spent doing commercial site development and finding locations like this for commercial developers, so I have some experience there. But the experience I want to speak to is the fact that I've driven this intersection some, I believe 30,000 times coming off Library Avenue and through Stewart and that experience, I think, is what I really want to try to show to you, and I want to put something up on there. Try to speak loud and clear so you can hear me. My concern is just that the difficulty it is coming off of Library Avenue, and there's no doubt that that bridge opening is

going to change things. I, I've driven this road so many times and seen Library Avenue backed up all the way to James Street and that's with the bridge closed. When it opens, it's going to be a problem at 8:00 in the morning every single time. Getting out of here to go left is extremely difficult. There's, there's many equations that this person has to consider. They have to realize that... By the way, the, the discussion about the considered pedestrians on the cross (inaudible) that you've shown, you've missed the crosswalk that is here, the crosswalk that is here and a crosswalk that is here. For a moment, think about this person coming out of the intersection to take a, a left turn. They've got it calculated 13 equations to consider. They have to consider pedestrians in three places, possibly, that may interfere with their turn. They have to consider traffic coming down from Elm. Traffic coming up from Elm and believe it or not, they have to consider the person pulling up to Stewart Farrar. These, these intersections just aren't line up correctly and a typical intersection, four-way cross-cross, you've got one equation. Right-of-way is the person to your right. When we have an intersection that's kiltered like this and really somewhat here, you have many more equations to consider. This person is going to have to think about a lot of things because confusion, I think Wendy said, confusion will lead people to making the wrong moves. A wrong move on this intersection is going to take a child's life. It's going to hit some kid. Eventually it's going to happen. It's just almost impossible to get out of here (inaudible) left, and if you are turning right, you have only two cars to (inaudible) before this is gridlocked. If you have cars here, here, trying to turn left, they have to yield to the cars here. If the cars coming down Elm, Stewart are trying to turn left, they're blocked because they're trying to take that left and you get a stacking problem here. So you have stacking and the equations. And the other thing you have is basically... I'll continue on with other stacking problems. This intersection... And this may look like its simple when it's on a map, but when you're really there, there's some really amazing things that have been... If you're trying to take a left turn onto Stewart Farrar from this side here, believe or not you are yielding to a car that may pull out of Emerson. I'm sure anybody who's taken this intersection...

(Several people) - Hm hm.

Mr. Newell - ...will find that difficulty. And look at the separation that you have here. It seems like there's enough time, but I can guarantee you, by the time someone is trying to pull out of this intersection and these folks will not have any idea of which way is the right, who has the right-of-way when they finally get some clearance, whether this person's going to go straight, turn right or left, doesn't matter. By the time they finally get their spot, they are going to have no idea who should be going first, and every time

they yield, they're going to be holding up more stacking problems. And finally they're going to take a jump (inaudible) you're talking about five crosswalks that they have to yield to. It's going to be a problem. All the time the people are going to be turning down this road and this road and you're going to have only three cars going (inaudible) here to take the turn in to the Stewart's Shop. Everybody trying to get out of this, this exit, is going to have to yield to those cars. So you're going to be waiting constantly for people to be going around you, trying to get out of there. This is going to get backed up severely. Overall, I just think the whole thing is defective. The site just doesn't line up correctly. It has no traffic signals for people to get in and out of these intersections (inaudible). They're off kilter. There going to be, there is going to be a problem. For the record, I also want to think, I want to tell you that I think that letters that were submitted earlier that I also signed, the SEQRA review was not done properly. I think you have the authority to decide to do your own SEQRA and I think it would be very responsible for you to do so, regardless of counsel telling you you don't have the responsibility. You don't have to do, but you can do it, I believe, and I think you should. I think a lot of questions were missed. I've never seen a SEQRA done like that in my entire experience with commercial development. Ya know, they have the right to ask this question, ya know, is this right? Is this right for the town? And I think the answer clearly, from the town, is no, it's not right. And the question you're facing here is whether the site plan is right, and I'd say that it's not right. It's defective in many, many ways. You have to consider... That traffic study was very limited. Talking about... They (inaudible) pedestrians they didn't consider. These three crosswalks weren't even under site plan.

Mr. Belden - Excuse me.

Mrs. Moore - (Inaudible). Sorry.

Mr. Miller - Time's up.

Mr. Healy - Thank you.

(Applause)

Mr. Miller - Whoever's next.

Mr. Gilchrist - Paul Gilchrist. It's a puzzlement as to how and why this hearing is held for a site plan review of the Stewart's proposal, as it has never gone through SEQRA, the State Environment, Review process, which must occur before a local site plan can proceed. Our big issue, as you know, is that this was supposed to be a coordinated review. Every document that we've reviewed, all the Planning Board minutes, the SEQRA documents, all refer to zoning, the rezoning issue. The rezoning issue had to be included with the project issue. The project issue and the rezoning had to be together. They weren't together. Only the rezoning was submitted to the Planning Boards at the March 16<sup>th</sup> Town Board

hearing, the attorney told the Town Board and everybody else that this hearing was for the rezoning. The Supervisor reminded everybody to confine their remarks only to the zoning, the zoning change. After they went through the SEQRA process, skipped through it if you will, the attorney said two or three times afterwards that they just done the SEQRA for the rezoning. The Negative Declaration only mentions the rezoning. It's only for the rezoning. Now all of a sudden we're here and we're being told that the SEQRA has been done for the Stewart's project. It has not been done. It defies logic. The Planning Board, when it does its site plan review if its going to do it, really has to go through the same questions that the, and more, than the SEQRA did. I hope you don't feel bound to come to the same conclusion and to skip through it as quickly as the Town Board did. You, you're responsible for all those same questions, plus the economic impacts. The big concern, one big concern is that when the Town was asked to do this rezoning, it was being asked to violate its own comprehensive plan. Its comprehensive plan very specifically, very emphatically says that the purpose of the zoning, the commercial zoning is to keep commercial development from intruding any further into residential neighborhoods. Also, what was asked was that the Town approve a spot-zoning. That is rezoning a single lot for the benefit a one property owner at the expense of the comprehensive plan. Both of these things are in violation of State Law as we read it. I want to take about the economic impacts for a minute. Stewart's will likely take gas business away from Cumberland Farms, but there will no net increase in the amount of gas sold to traffic going through town and perhaps a small decrease, especially for northbound traffic since both gas stations will be close together on the west side of the street. An egregious adverse affect will be on the incomes of the two B & B's that are across the street. These are B & B's that bring tourism revenue into the local economy, whereas convenience store profits leave the community. The loss of basic revenue from outside will injure the Town's economy. The property tax revenue generated by Stewart's million dollar facility will likely be offset by a decrease in values of at least 16 surrounding properties that are worth three and a half million dollars. I submit that Stewart's relocation would overall be a financial negative for Warrensburg. The, we've done a little bit of..

Mr. Belden - Mr. Gilchrist, your time has expired.

Mr. Gilchrist - Thank you.

(Applause)

Mr. Hill - Mr. Chairman, if I may, it seems that the Board is getting comments with regard to SEQRA review and with regard to the rezoning. Both of those occurred at the Town Board. Both of those are concluded and finished. A coordinated review was conducted. I'm afraid there may be a misunderstanding of what a coordinated

review under SEQRA is, but a coordinated review was conducted, and this Board was part of that coordinated review, and this Board is bound by the SEQRA determination that was made by the Town Board. Contrary to a suggestion that was made earlier, you do not have the option to conduct your own SEQRA. The SEQRA has been completed and as an involved agency in the coordinated review, you are bound by the lead agency, that is to say that the Town Board's determination with respect to SEQRA. So the, the comments that are being offered with regard to SEQRA and with regard to the rezoning, if people are dissatisfied in any way with those determinations, this is not the forum. It's not the time or the place for airing those concerns. This is a public hearing about site plan review for the proposed convenience store. And this Board should not be taking into account comments with regard to SEQRA or with regard to the rezoning in your decision regarding site plan review. It's simply not appropriate. Those comments are not relevant to your decision making process. Thank you.

Mrs. Ferullo - (Inaudible) about SEQRA. My name is Kathie Ferullo and right now I think it's not about being right, who's right or who's wrong. I think it's about doing the right thing. And to put a park or a parking lot does not pay taxes. Whether its Stewart's or another commercial business which would have problems with traffic flow, with Stewart's we know what we're getting. They are community oriented. They create jobs and they (inaudible) tax burden. If you want to see your property values increase, allow the health center to grow. In addition to jobs, when people come to visit, they'll want to stay. And as important, the people that live here will want, can afford to stay. We want a health center... We will have a health center that has grown with the times...

(Side A of Tape 1 came to an end)

Mrs. Ferullo - We will have a health center that has grown with the times in addition to our emergency, our fire, our police and our caring community. The health center has served my family personally for 40 years, nearly 40 years. In some cases, it's been life-life, which I know it has done for so many. So now, I feel that they have been giving for so many years, it's time that we give back. Thank you.

(Applause)

Mrs. Fruda - Good evening. I'm Ruth Fruda. This area's major industry is tourism. Like a member of the comprehensive planning board noted, Warrensburg's main business has been and always will be tourism. Other industries can be shipped to China and India, but they can't ship our beautiful mountains, crystal clear lakes and streams and scenery over there. Let's continue to enhance our resources while encouraging planned development. Five beautiful bend and breakfasts, guest homes, bring in generous revenue to our town. They pay high land tax and school tax, plus ample bed tax to

our community. So do we really want to discourage and harm their businesses. There are two beautiful bed and breakfasts that would be negatively effected if a gas station were to be placed directly across the street from their business. Owners of these establishments and their guests patronize our businesses, restaurants, antique shops and yes, gas stations too, but we already have two gas stations just off exit 23 four in Warrensburg. Do we really need more? You saw we need to increase our tax base. That's for sure. How about getting all those vacant buildings and properties up and down Main Street back on the tax rolls and all those houses that are up for sale? Let's create an environment that will entice nice families to plant their roots here, send their children to our award winning school. They pay taxes too. Let's get all those properties back on the tax rolls. Then maybe, just maybe our tax bills will start to decrease. To attract new business, businesses, we need to present a vibrant town that looks like it's preparing for our future. Global Foundries, a new tech park in Malta, will eventually be hiring over 5,000 employees, good high-paying jobs. We are right off the Northway and an easy commute for those who choose to live in Warrensburg. These are just a few of the possibilities. I still think this property would be the perfect location for middle senior income housing; however, I do kind of like Mike Morey's idea for a beautiful park in that lovely green space on Stewart Farrar Avenue. And wouldn't the old post office just make a great community center. Chestertown did it with their old school with the help of any volunteers. Let's make Warrensburg a destination, not just a drive-thru town. And a huge thank you to Kevin Geraghty for finally, after then years, in bringing our River Street parks to fruition. Thank you so much. Mr. Spatz - Thank you.

Ms. Whalen - Good evening. I'm Theresa Whalen. What makes our town special to residents, visitors and potential investors? Warrensburg is a peaceful hamlet, nestled in the southern tier of the Adirondack Mountains. Established in 1813, our town is rich in local history and natural resources. For the sake of economic development, tourism and community pride, we, as citizens, and you as the leaders of our community should be concerned about the preservation of its open space, mountains, rivers and lakes, parks and recreation areas, its diverse architectural heritage and the enforcement of the guidelines for growth and development that are written in the original comprehensive plan. The Town of Warrensburg Master Plan of 1987 clearly addresses issues such as the ones before the Town and Planning Boards tonight. People come to Warrensburg for a variety of reasons, but what tops the list is quality of life. I was not born in this town, but I chose to live and volunteer in this town for over 25 years. I'm not here tonight as the Chairperson of our Beautification Committee, as a member of the Historical Society or

as a member for over four years of the Comprehensive Plan Committee. I am here because I love our town and I have spent the past 25 years working with many others who love our town to preserve, revitalize and beautify our natural and historic resources. Our town has much to offer which makes it a destination; on the state level, Department of Transportation, Environmental Conservation, Pack Forest, on the county level, fairgrounds, Fish Hatchery, Soil and Water Conservation, Cornell Cooperative Extension, on the town level, Echo Lake Beach, pocket parks along the Schroon River, Hackensack Mountain, Hickory Hill Ski Resort, Cronin's Golf Course and the Hudson River. Recreational opportunities abound; hiking, cross country skiing, white water rafting, downhill skiing, golfing, swimming, canoeing, kayaking. The list goes on and on. Unique local businesses, such as Oscar's Hickory House, Jacob and Toney IGA, Riverside Gallery, Miller Art and Frame, Adirondack Rustic Interiors, Nemec Farm and Garden, Lazy Rizer, Lazy River Farms, Northeastern Products and Champlain Stone are known throughout the region and some throughout the world. Our national award-winning bed and breakfasts bring visitors near and far to stay in our community, enjoy the great outdoors and come inside to dine at several of our historic restaurants, the Grist Mill on the Schroon River, Ltd., Lizzie Keays in the old Shirt Factory building, and Grace's and the national register listed Griffin House. Our historic churches welcome all to worship. The local museum shares our story and Richard's Library provides an endless source of information. Events such as our weekly Riverfront Farmer's Market from Memorial Day through the end of October, Bike Week, the July Arts and Crafts Festival, Smokeaters Jamboree, World Largest Garage Sale and Christmas in Warrensburg all bring visitors to our town. However, the many gas stations and convenience stores do not bring people to Warrensburg. They only, they're only stops along their journey elsewhere. Stewart's Shops is not a destination for travelers. Rather, it is a hesitation to stop, refuel and move on. Their sales tax revenues are not shared by our town, only their real estate tax revenue. And most cases, private homes pay as much or more than what a convenience store/gas station pays in property tax revenue. Please consider all of the adverse effects of this proposal before rubber stamping it. Ask for more.

Mr. Belden - Ms. Whalen, your time has expired.

Ms. Whalen - Don't settle for less. Too much is at stake. Pedestrian and vehicular safety...

Mr. Miller - Your time is up.

Ms. Whalen - The character of the heart of our state and national register listed historic district.

Mr. Miller - Ms. Whalen...

Mr. Spatz - Your time's up. Thank you.

Ms. Whalen - Just finishing my sentence. Is that... Is that alright with the Board if I finish my sentence?

(Tape inaudible).

Ms. Whalen - Pardon me.

Mr. Healy - That was more than a sentence.

Ms. Whalen - I'm in the middle of my last sentence.

(Tape inaudible).

Mr. Spatz - Your time's up.

Mr. Healy - Your time's up.

Ms. Whalen - Thank you. Well, you have...

(Applause)

Mrs. Danna - Hello. My name is Laura Danna. I live at 25 Library Avenue. I have a question, the date of traffic study. Could you please tell me the date your traffic study was...

Mrs. Moore - We'll, we'll handle... Questions are directed to us. We'll ask for...

Mrs. Danna - Okay. My, my reason I'm asking is if it was colder months, you're not going to see as many kids as you're seeing now. There are tons of kids... I drive... As Mr. Newell mentioned, I drive this, those intersections everyday, a couple times a day, and I think you need to really look at what date that was done. Thank you. Also agree with Mr. Newell about the traffic and the near misses. There was a recent near miss on Library Avenue where a student walked out in front of a car and luckily the driver saw the student. Wouldn't it just increase the likelihood of these near misses becoming something none of us want to think about. A student actually being hit. This is a school zone, ya know. I know this (inaudible) kind of forget, but it is. I mean, you look at the signs. They're right, this Stewart's would be right in the middle of a school zone. And I think that's very important to consider and very close to our playgrounds and rec fields. It is very challenging as was already brought up to make these turns and to take into consideration all the possibilities of people crossing the street and drivers and it is, really takes high alert to drive in this area already. There are many crosswalks even beyond your site map, one block further up Library Avenue. You have the school crosswalks. Another block down Elm Street, you have the crosswalks by the firehouse. Traffic's going to increase in the whole area, not just these streets we have here, especially when the Milton Avenue bridge opens up. You said that this was our opportunity to see what the impact this has on the residence of the town. I think it has a major impact and that's why you see us here tonight. A lot are concerned. I also have a question about what is our vision for Warrensburg. What do you want Warrensburg to be like? I think this goes on the same topic of, do we want people driving by or stopping to eat, to dine, to stay at our bed and breakfasts and bring money through tourism. I would ask you if you have any concerns at all,



even the slightest concerns about the traffic, the safety and the environment, the gas tanks under the ground. I would ask you to do a more thorough, in-depth traffic study when we have a lot of children around when we have summer traffic because summer traffic, trying to cross Main Street as an adult pedestrian is a challenge. I walk a lot and it is a challenge. And if you have any questions about those gas tanks, I would ask for an environmental impact statement. This is... (Inaudible) at a cross roads, what is our vision for our town and what do we want it to be and (inaudible) the place that other towns have been, Manchester, Saratoga and, and, we know them because they made the decisions that made their town more cultural, more, ya know... They preserved their history, their architecture and now their booming tourism. We have that, we have so much here that we could do something very similar if we make the right decisions. I'm not really sure that having a Stewart's there is going to gain us any tax money, but even if it does, can you put a price on a safe, quiet, peaceful, historic neighborhood? I don't think you can. And I do want to go on record saying I have nothing against Stewart's. I'd love to see them expand where they are. I just think this is the wrong location and I have nothing against Hudson Headwaters, but I really don't think whether you supported Stewart's or Headwaters is really the question here. It's whether this specific plan fits this property and the safety of this neighborhood. So I, I don't see a conflict there. Thank you. (Applause)

Mr. Danna - I can't let my wife get the last word. My name is Steven Danna; I live on 25 Library Avenue that was my wife who just spoke and she brought up a lot of good points and you know, I'm I can even organize all the lots that are in my head. This is so much. There's a lot of emotion here. I said last time I don't envy you folks and I envy you less tonight as I see who's present in this audience, ya know, Dr. Rugge, Mr. Hill, a lot of powerful people, politically and economically. And I guess it comes right back down though, community. Now you've heard and you know all, all that's at stake. You know who we're dealing with, you know the risks of this, this project here. You know the research that's gone into this study and some of it is biased. Let's face it. There is, there's, there's a product that wants to be sold here. But ultimately it comes down, as I said, to community, and I guess I'm just going to leave you with this thought. I was thinking (inaudible) on the board sitting in your seats. Again, it's not an enviable position, but I think it's going to come down to moral courage. I think it's going to come down to making a decision that's going to be very difficult because again, given the nature of who's present, what's a stake is a big project. It's very visible. It's like Laura was saying, what does your heart kind of tell you and what's the right thing for the safety of our children, for the welfare of our

community and for this town now and 20, 30 years down the road because once you put this in, it's in. It's not going away. Thank you.

(Applause)

Mrs. Weick - Hi, my name is Laura Weick and I'm their neighbor and we live on 23 Library Avenue and since we're on the topic of the traffic and since you said we have to keep this to the site plan review, I guess what I would I'm most uncomfortable about are those, the exit onto Elm and the entrance and exit onto Stewart Farrar because when you came and said that you did your traffic impact study, you said A was best and that it, you, you gave it a C, and that was adequate and that when it received that grade of a C, you didn't take into consideration the opening of the Milton Street bridge. So if it's only at a C without considering that, what would the, what would it down to. I don't know if that follows the report card, D, F or, but I think if C, if you're only adequate and you have an experienced person who says a kids going to get killed and we live in the neighborhood and we see the kids and we drive that and we know that that's dangerous, are you, ya know, are you going to put a price on a kid's life to have Stewart's or Hudson Headwaters and they're only at a C. I want to you think about or ask them to do a traffic study and, and find out what was would the rating be when that bridge is open and make sure it's on a day when kids are walking to school. If it was raining or sleeting or the time of the year, that makes a big impact. I guess that's the main thing, is I would say, ya know, if they want to do away with those two, then, ya know, maybe that would be safer, if you just had the entrance and exit, and I don't think the gas pumps should be facing only of those beautiful, old, historic buildings. You've got gorgeous bed and breakfasts and then the gas pump is right across from that beautiful church, so maybe if you could hide the gas pumps behind the Stewart's, it would look better. So I'd like you to consider the exits and, oh, and the gas pump wasn't even on the Declaration so I mean, maybe they should just take the gas pumps out altogether that, consider some of those things when you're looking at the site plan. Thank you.

(Applause)

Mrs. Belanger - Mine's going to be real short, but (inaudible) my little guy. He's getting much more independence and Laura, my lovely neighbor... My name's Kimberly Belanger and I live on James Street. My son is five. He's probably do an extra year at the elementary school. Sorry, that's an extra year that he'll have to cross the road, but he's getting more independence and Laura even had to kind of scoot him across the street in the wheelchair, I don't do that that often. It's kind of frightening. It is the cutest little wheelchair you've ever seen but was it tricky (addressing Mrs. Weick).

Mrs. Weick - Yeah.

Mrs. Belanger - A little bit. Okay. She has no experience with wheelchairs. It was, she was helping me out. He's not going to be in a stroller forever. He's not going to be in the little wagon that I pull him on my walks and I'm not going to restrict him. So he, he is the future walking people. He may be walking more, but the wheelchair he wants to do more independence too, and we can take little kids into consideration, but little kids with restrictions and we're very, very close and I have two and we are going to go to the school. We're going to go there to use that playground. It's not just during school hours and I have been one who was almost hit. I screamed at him. He saw me in time to stop, but I mean, the crossing guard wasn't out of the truck yet and I don't know what time they actually do that, but we were careful and like I said, just talking into consideration some of the other little things with the traffic study. It really didn't sound like it was really considered with that Milton Street bridge which it's already hard right now. But thank you.

(Applause)

Mr. Rugge - Good evening. I'm John Rugge. I'm with Hudson Headwaters and (inaudible) put on the record Hudson Headwaters' thinking in terms of selling the property. As you probably know, we bought the old post office 20 years ago and had a billing department there. Sometime later we bought property on Main Street from Jack Arehart with the thought that we (inaudible) center and the only way to expand would be to go into that vacant lot with a new annex. Times changed. We obtained the department store and the building next to it and therefore we never needed that extra space for our health center and another thing that changed was we've gone electronic and the billing functions we used to do in a separate building have now been largely brought back to the health centers themselves and they're done electronically. So we simply had no more use for this property. And our feeling was the best use was to sell the property to a responsible owner, use the proceeds here in Warrensburg to expand the health center for more services in pediatrics, mental health and specialty care and a loading dock, which we really need. So we're, we're... That's the idea behind it. I can tell you all that. I can't tell you what's best for this town. That's your job and there's certainly lots of competing interests. I think we've explained (inaudible) means for this center. There are other neighborhood interests and community interests for sure. I have a letter that given to me on the way in asking that Hudson Headwaters do the right thing for the town. We'd like to do that, pointing out that this town has given enormously to the health center and Hudson Headwater over the years and that's absolutely true. We have counted on their support and counted on the future. People speaking here our my patients, they're my board

members, they're people I have enormous affection and respect for. The request in the letter was for us to give the town, the property over to the town for a green park. And I can understand the urge. I like green. I'm an environmentalist. I can tell you that I went to a responsible person in the town when this whole controversy arose unexpected to me to say ya know, maybe we should turn this over to the town so you can keep a park. He thought I was making a threat. He thought this would be terrible for the town because the town needs the tax base, needs the extra support, needs jobs at the health centers, needs a better Stewart's, and there's no way to get around the fact there are two sides to the question. I think you've heard why we're interested in this. We're certainly respect any decision you make and, and we want to be here for the long term and we want to be the best center we can, but we want it in the right community. So thank you very much.

Mr. Miller - Thank you.

Mr. Spatz - Thank you, doc.

(Applause)

Mr. Baker - I'm Maynard Baker, a native of Warrensburg. Been here all my life. I've seen the town grow from small to big. I am all in favor of a state of the art building put on the property on up here that's in question across from the Grand Union. Dr. Rugge has started in this town from nothing and look what he's built for the good of this town. I don't want Stewart's going somewhere's else. They build a state of the art building. We haven't got to question 'em. You can see Stewart's anywhere you want to go in any town within a 50 miles radius. They do a nice job. They hire a lot of people and I am well concerned about some of the people that live down on Elm Street, Library Avenue. Yes, they have concerns, but that is not the consensus that I get from the rest of the town that I've talked with. So we all have our reasons for or against something. My reason is put that property back on the tax roll and I would... Thank you for listening to me. Thank you.

(Applause)

Mr. Hill - Mr. Baker? Mr. Baker? I'm sorry, before you sit down, sir, if I'm correct, you're a member of the Town Board here in Warrensburg, is that right?

Mr. Miller - No.

Mr. Hill - No? Alright. I'm sorry.

Mr. Miller - Former.

Mr. Healy - Former Supervisor.

Mr. Hill - I apologize. Thank you.

Ms. Buck - My name is Faith Buck. I own Emerson House Bed and Breakfast, 3826 Main Street and Stewart's has said several times that they're leaving the old post office so the people on Elm Street are not going to lose their neighborhood character. Well, what about those of us on Main Street and Stewart Farrar.

(Applause)

Ms. Buck - We're totally losing the character of our neighborhood. It's going to hurt my business. It's hard enough to get out of Emerson Avenue now. With Stewart's across the street, I'll never be able to and neither will be guests. Thank you.

(Applause)

Mrs. Newell - I'm Diane Newell. I live at 29 Library Avenue and I would like to ask the Board who paid for the traffic study that was conducted that we heard about just a little while ago. Is that paid for by the client?

Mrs. Moore - We'll, we'll ask for responses... You, you ask...

Mrs. Newell - I'm asking you to ask... Or I'm asking you to tell me who paid for the traffic...

Mrs. Moore - Right.

Mrs. Newell - ...study.

Mrs. Moore - We'll...

Mrs. Newell - That was done.

Mrs. Moore - We'll cumulatively get the questions prepared and ask the response of the, of the applicant when all public comments have been received. I understand...

Mrs. Newell - You mean you don't know who paid for the traffic study?

Mrs. Moore - It's the process of tonight's meeting. The...

Mrs. Newell - (Inaudible) answering an awful lot of questions.

Mr. Hill - I think you're saying that, that the question will be answered, but not at this moment.

Mrs. Newell - Okay. Will it be answered before there's a vote taken on this project, this site plan?

Mr. Miller - It be answered tonight?

Mrs. Moore - Yes.

Mr. Miller - Yes.

Mr. Healy - Yeah.

Mrs. Newell - Before the vote?

Mr. Miller - Yeah.

Mrs. Newell - Good. And I'm asking the Board, do you have the power to ask for an unbiased traffic study which would still have to be paid for by the client? That would take into consideration many, many specific situations that go on for about six weeks, such as junior baseball and softball. I live on the corner by the tennis courts of Sanford and Library and coming in and out, just tremendous traffic, tremendous. All of you know it. These folks don't know it. She's there for three, which his really after the rush as was said, 'til five. I don't, I didn't catch the morning hours, but it's very spotty. If it's a rainy day, you're not going to have any kids walking really. You're going to have a lot of cars though. So all those things take into consideration, but the junior baseball/softball season is, is really huge amount of traffic going

from Route 9 through the whole neighborhood, up to the rec fields and I'd like to know, do you have the power to request a better and unbiased traffic pattern study that will provide the real answer as to whether this site plan is safe enough. Thank you.

(Applause)

Mr. Cooper - Good evening. Name's Gary Cooper. As the majority of the people know if here, I'm in real estate and there's a few real estate agents if not brokers in here. On Elm Street, we currently have 44, 48, 52 on the MLS for sale. 46 and 50 as well. 46 and 48 has been pulled off the MLS and it's not because they were sold. The people that are familiar with Elm Street you have some very beautiful Victorian homes there. You have #52 which is a four bedroom, two bath, if anybody wants to buy it. Last year I was trying to sell it before they tore down Soil and Water. Thank God Soil and Water's down because now it's more desirable, but as agents or brokers, we have to disclose what's happening within a certain amount of feet from the property. I've had to disclose that there's a Stewart's being built on the corner of Stewart and Main. In my last seven showings, they have declined to purchase those homes. You have a beautiful Victorian, which is Becky Lawler's home, and everybody knows it's a beautiful home. Six bedrooms. It is down on the market to 267. I just got my phone call three days, Saturday from a family from Schodack that wanted to buy that home. They... Contemplating, because I've had to tell them that Stewart's is moving on the corner, possibly moving on the corner of Elm Street, Stewart Farrar and Route 9. They had declined to purchase that home and they have three children. You now currently have 44 on the market which has the built in pool, five bedrooms, big Victorian. That also is going to be a deterrent. If anybody knows the real estate in this area, if these homes are declining in value and we can't sell them, what is going to happen to the beautiful bed and breakfasts when they're ready to sell, as well as the ranch homes on Stewart Farrar, as well as any other home being impacted by this Stewart's establishment. That's all I want to say. Thank you.

(Applause)

Ms. Szabo - I'm Robin Szabo and I've more or less been a lifetime member of Warrensburg off Library Avenue and there's a tremendous amount of people here who I respect. They have real and valid concerns. One of the things listening to this though is (inaudible) back to the company itself, Stewart's, and the people that founded the company and the people that take the leadership of it. That company is a community, family-based company. Whether or not they take everybody's opinion and their concerns and the traffic study, I can't imagine them wanting to have something such a child's life as, under their belt (inaudible) taken into consideration (inaudible). I believe they truly are vested in this community and I believe that

are listening to this because they would not want (inaudible) to happen and I do, I appreciate and respect everything everybody said. (Applause)

Mr. Spatz - Thank you.

Mr. Belanger - My name's Kevin Belanger. I live on 19 James Street. My wife's Kimberly. We have a son that's handicapped. He's in a wheelchair. My concern is to reiterate the Milton Street bridge. I lived in Stony Creek most of my life and it's not just Thurman. It's Stony Creek. It's Hadley Hill and it's some Lake Luzerne people that come that way. And once you open that bridge, there's definitely going to be a tremendous amount of traffic. Now I know I go to work every morning from James Street and it's bad enough just getting off James Street when the school, when people are coming from the school, James Street and Library Avenue. So I want to it, reiterate that there should be another traffic study, especially on that Milton Street bridge. Thank you.

(Applause)

Mr. Spatz - Thank you, Mr. Belanger.

Mr. Miller - Anyone else?

Mr. Szabo - My name is Alexander Szabo and a lot of you said that you want to think about the future. Well, if you want to think about the future, you have to think about not like in the future in technology. Not just what's there and like buildings. You have to think about technology in general. Things are going to improve, like cars, they're going to get more advanced. Like you can't think about this. And like the historic district. You have to think in the future, like somebody said Global Foundries, that is going to create a huge tech (inaudible) all along the Northway. If you put in a state of the art building, more state of the art businesses are going to open up. That's all I want to say.

Mr. Spatz - Thank you.

Mr. Healy - Thank you.

(Applause)

Mr. Miller - Anyone else? Close?

Mrs. Moore - Nope, keep it open.

Mr. Miller - Okay. Okay, I think we'll move on to let Mr. Lewis comment, respond.

Mr. Lewis - Thank you. This is to answer what was asked.

(Inaudible) picture of (inaudible) begin with... (Inaudible) that I'm handing out show out show the movement of cars within the lot. I'll show the audience what you're looking at on the plan. We can just leave the same one there. The first page you'll see that the majority of all the cars are going to be moving here in this area, between... They're either going to come this way or this way. They're going to come in this way or this way. There'll be a certain amount that'll go in 9 and then, and then out 9. You'll see the second... Now that's for a car. Now the second sheet shows a

trailer and a boat. This is one of the reasons why the County DOT asked for the curb cuts wider than we usually do. And then this, the third sheet shows our gas delivery truck. (Inaudible) there was a concern about the gas deliveries going outside Elm. So this, this just shows you that the movements work. And it's really.. You'd be amazed every time we do one of these sites, how much work goes into these site plans before we ever show it to anyone. We don't want to build a site that doesn't look well. One could make a case the chief reason why we're doing this is because if anyone in this room is (inaudible) on to where we are now and looked at that internal circulation, as well as getting in and out. And look at this time, I think there's a marked difference. Now the second set shows those rare times when, when a truck will go out Elm, and I've got another handout that shows you on average three deliveries a day. And I've got a handout that'll show you exactly what those are. And the second sheet shows what happens if they don't use that, which is how they have to forward, backwards, forward, backwards. So that's just to give you some sense of the internal circulation. Now let's talk some about the traffic. The State has a website that shows how many cars are on every road in the State of New York. I'll give my daughter one of these. You'll see that there are 2,400 cars more before 418 goes west. There are 2,400 less a day where we are now than where we're coming from. Now we have to decide, when we do something like this, everything is a trade-off. Tom Lewis, why would go there if there's less cars. Well, the answer is because where we are now is such a dangerous situation and it's so difficult on our customers where we've got 110 foot of depth and here we have 292 feet of depth. So it shows you there's a huge difference in the traffic. Now let's move onto traffic. These are copies of the letters from the County DOT and the State DOT.

Mrs. Moore - (Inaudible). Okay, it's a renewable resource.

Mr. Lewis - It's so easy when an applicant, who almost no one ever believes, says something as opposed to when you can document them. Now there were some comments made in the public hearing..

(Inaudible) read these. The traffic report was paid for by the applicant, us, by Stewart's. And I understand, for folks who are not in the development business, and some who are, that, again, the applicant is never to be trusted. But the fact is that traffic reports and the Creighton Manning, these are engineers, and they won't fudge numbers 'cause that's a good way for them to lose their license. However, that's why you've got a State DOT and a County DOT. So now let me.. The letter from the County.. Looked at Elm and on Library and all the County roads, and their letter has no difficulty with any of these cuts as long as we made Elm a right-out only. But let's look at the State letter. Now I've been doing this 18 years and I'm almost at 100 stores. I've never seen a letter like this from the State DOT. Ever. The part that I've highlighted



in the first paragraph says, "while this Stewart's Shop generates less than 100 trips in the peak hour, which is the normal threshold for a traffic impact study". What this letter says besides giving it approval to our curb cut is... And these are professional engineers. This is not, ya know, Bill Dake. It's saying you guys did a traffic study and it wasn't warranted. Now when we spoke with the County DOT, they said we're fine with these cuts. Not the State. But we reserve the right to ask you to do... I'm sorry. Not ask. ...to require you to do a traffic study and recognizing how much anxiety there was in this whole project. It seemed very reasonable. Why, why should we wait to be asked. And so we went ahead and did it. Now, I would offer you that when you look at the professionals... Ya know, and, and every time that I've gone to, and it's just human nature, the traffic is terrible. It's all relative. I mean, I once wanted to do a shop in Berne down in Albany County, like 1,100 cars a day. Here, what's the count here? 11,400 cars. So, ya know, these people were just barely over a thousand and the neighbors, ya know, this is God awful. There's too much traffic here. I'm not minimizing the concern of the people were are here. They have legitimate issues and in Saratoga where there's 24,000 cars, I start to get frustrated, ya know, when, when I'm in traffic too. But hopefully this board looks at facts and the facts, I think, are issued by the County and the State DOT, and our traffic report says that this is, this is doable. There are no mitigation issues and levels of service, ya know, when you're level at C, you want B. I'm handing out the sheet that shows the deliveries so you can see just exactly how they're divided. And then we were asked some site specific issues. For our delivery truck, it comes every third day. Frehofer comes five times a week. There's two beers a week and one Coke, two Frito-Lays, one magazine, one flower, one Softco and seven newspapers. That averages three a day which we think seems like a reasonable number.

Mrs. Potter - What about the tankers?

Mr. Lewis - Tankers, I think, are every third day, Nancy?

Mrs. Trimbur - (Inaudible).

Mr. Lewis - That'll be a couple times a week.

Mr. Miller - When do they generally deliver?

Mr. Lewis - We would certainly not do any deliveries during the school hours. So it's... I mean, it rotates, but we, we would, and it, and there'll be no deliveries at the night-time hours. Let's address the neighborhood issue because I was about to say we are sensitive to neighborhood, and we do that at all of our stores.

(Unknown speaker) - Can you answer the question?

Mr. Lewis - I'm sorry what was the question. The...

Mr. Miller - When are the deliveries. Not during school hours and not at night.

Mrs. Trimbur - We can certainly control some of the delivery times (inaudible). From a neighborhood standpoint, you probably don't want deliveries early in the morning, nor do you want deliveries late at night. However, there's going to be a narrow window (inaudible) that says we really can only deliver between, what, ten and two or something like that. And I don't know that that's going to be entirely (inaudible) early morning and late at night (inaudible) do our best (inaudible).

Mr. Healy - I think you could get a schedule from the school if you want it, their hours.

Mrs. Trimbur - I think we would be more than happy to...

Mr. Healy - Yes.

Mrs. Trimbur - (Inaudible) control as much as they possibly (inaudible).

Mr. Healy - I think you can get a schedule.

Mr. Lewis - Let me answer some of the questions that were mailed to us from the May 18<sup>th</sup> meeting. We asked about what the future use of the building on Elm is, is unknown and the answer to that will be office. And we certainly do hope to rent it out at one point. There was a comment that people did not know about the Elm exit before the meeting on May 18<sup>th</sup>, but I don't understand that because it's always been on the plan. There was a concern about the hours of operation. We will be 5:00 a.m. until midnight. I'd just like to point out that the Cumberland Farm, which is about 240 feet away from here is 24 hours a day.

(Tape inaudible).

Mr. Lewis - And also address the residential part at, at some point along this, asked about the gas pumps. You'll have the state of art, this will be the safest gas operation in town. Anytime there is ever any upgrade in the technology, we always do it. The DEC doesn't require double wall piping. We have double wall throughout the system and in some cases there's actually a tertiary system. As to noise, we're in a commercial zone. The corner where the gas is, was always a commercial district and I'll enter that, answer that a little bit more, but let me just follow through with this. Lighting, this, as I said earlier, this will all be very down-lit and not obtrusive for the neighbors.

Mr. Miller - Tom?

Mr. Lewis - Sure.

Mr. Miller - Will the lighting be completely turned off after midnight?

Mr. Lewis - Absolutely. Lights of existing vehicle will shine on windows of the windows and the answer is that any place where I can put shrubs and I can screen anybody, we'll certainly do. That the Planning Board should consider the amount of paved out. Good site plan issue, and the answer is that we have the minimum of pavement that makes the circulation work in a safe manner. The smells and

smells do not travel that far. There's no one off-site who's going to smell anything there. This is, this is... We don't have any pizza ovens. Our deliveries can enter and exit. I already handed that out. The deliveries, again, will not be made late (inaudible) hours. The traffic report, we believe, does address all the traffic issues. I went into the delivery. Increased traffic will worsen ambulance access on Main and (inaudible). Again, ya know, point to we are moving to someplace where there are less cars, not more cars. We're already in town. In fact, I think we've been here since 1978. Ya know, a lot of people over the years said, why don't you guys find a better site. Again, the, the traffic report, we think, addressed Library Avenue and we've gone through the traffic again the certainly may want to ask Wendy more things, and that's this list. Now also Laura sent us another list. Laura asked whether there's, would we do the same brown canopy as Lake George. And if that's what you guys want, we can do that.

Mr. Miller - Well, wait a minute. Want to address that right now?

Mrs. Moore - The canopy?

Mr. Miller - Yeah, you had a question. I, I think he misunderstood your question.

Mrs. Moore - (Inaudible) with columns. Oh you mean the whole site architecturally?

Mr. Miller - No, just that first question about the... Your question was, will it be, will it stay white or... The Lake George one is brownish in color.

Mr. Lewis - You just as soon have the white?

Mr. Miller - Right, and I think that's what the board, well, at least I feel...

Mrs. Moore - I didn't know if there was any alternatives... We've seen different gas stations styles (inaudible).

Mr. Lewis - Yeah, under the Lake George, there's...

(SIDE B OF TAPE ONE CAME TO AND END).

Mrs. Moore - I don't know... I don't know exactly if that would be, fit into the neighborhood. I know what would. Yes.

Mr. Miller - Yeah, but it doesn't show the canopy though. That's the Lake George one.

Mr. Healy - This is the Lake George one.

Mrs. Moore - Yeah, but those spokes within the peaks there are also...

Mr. Miller - Buttresses.

Mrs. Moore - Those buttresses are also in the supporting units on a canopy and I didn't...

Mr. Miller - I think he point is, is there just a better way to maybe make the canopy a little more attractive. That's all.

Mr. Lewis - The answer is yes, and we will.

Mrs. Moore - Okay.

Mr. Lewis - I should have... (Inaudible).

Mrs. Moore - Okay. I was thinking that white is... Because I have two significant white buildings in the area, I was just focusing on residential appearance of things within the Stewarts site plan. Continue... Maintain that residential appearance. I mean, you've already placed columns on the site, so continuing that throughout the site.

Mr. Lewis - Happy to do that. The next one was if there'll be a sign on the canopy. No, there will not. The canopy being lit and I assume you mean the side the way other businesses do, no, it won't be. I think Wendy went into the traffic. On the decorative rocks, they will not be painted.

Mrs. Moore - Okay.

Mr. Lewis - We can remove them, but what it does, it, it prevents cars which occasionally jump these things. We hope that you'll leave 'em, but if the board wants those, those, those will be gone. 6, okay, that'll be a handout. We were asked about pedestrian elements and picnic tables, we've got another handout there.

Everything about the walkway... Let me hand that out first. I could make a case there really isn't anywhere for pedestrian walkway with the exception of the very north end, I'm sure the board does not want this. If that landscaping wasn't there, we would do a pedestrian walkway here. But my guess is this fellow over here phoned a long time ago and said at that time, I'm not against your, your project, but would you do landscaping and I said sure.

Mrs. Moore - Okay.

Mr. Lewis - Let me hand out a walkway that we could do. This is a walkway that goes from the gas island here over to here. The reason why we don't like doing it (inaudible) we have because, ya know, boards have said yeah, we want it. It really gives people a false sense of security. That is a parking lot. There are cars there. So if the board wants it, we can. We just as soon not.

Mrs. Moore - Okay.

Mr. Lewis - If you look by the old post office building is where we could put some bike racks, which we're happy to do. It's probably the easiest thing we're ever asked. And so I would assume you'd want that.

Mrs. Moore - Yeah.

Mr. Lewis - Okay. Now, we were asked about the corner. I'm I up to that or am I jumping ahead? No, that's number 8. 9, the arrow was mistakenly duplicated and the building color would be that prairie clay.

Mrs. Moore - You, you have samples?

Mr. Lewis - This is what the material Dryvet feels like and looks like. God knows, it won't be red. And here's the color.

Mr. Miller - Column? Is the color.

Mr. Lewis - The color.

Mr. Miller - Of the Dryvet.

(Tape inaudible).

Mr. Healy - That's the material; that's the color.

Mr. Lewis - And this is the proposed color, which is Nancy's (inaudible).

Mr. Miller - (Inaudible).

Mr. Lewis - No, I think that's, that's more gray.

Mr. Miller - Gray, yeah.

Mrs. Robichaud - That's gray.

Mr. Healy - Can I see it?

Mr. Miller - Yeah.

Mr. Healy - (Inaudible) got ya here. (Inaudible).

Mr. Miller - Rite Aid.

Mr. Healy - Rite Aid (inaudible).

Mr. Lewis - Okay. Now number 8 we were asked about the corner.

This morning we came up with something new. This was Nancy idea's too. Nancy's our Senior Vice President. I'm not just sucking up to her because... No.

(Laughter)

Mr. Lewis - What we could do is we could berm it up.

Mrs. Moore - Okay.

Mr. Lewis - This is not what was the shown on the plan and there are (inaudible).

Mrs. Moore - Yep.

Mr. Lewis - But we could also do perennials. So you'll have to choose a drawing that...

Mrs. Moore - Okay.

Mr. Lewis - But it looks like it was done by someone this morning (inaudible).

Mrs. Moore - Okay. They're proposing a four feet berm in that corner.

Mr. Lewis - I'd ask the board, do you want flowers? Why not, right?

Mrs. Moore - Yeah.

Mr. Miller - I think as much screening on, on the gas pumps as we can get.

Mr. Lewis - Right. Just, ya know, landscaping is not a high priced item.

Mrs. Moore - Hm hm.

Mr. Lewis - And wherever there's room, we have landscaping. We've, we've answered about Elm. Again, wherever there's room, more plantings, we're fine. We've confirmed hours of operation and we gave you the how, how the cars move inside the lot.

Mrs. Moore - Okay. I just want to go back to 6, with pedestrian or visitor elements, there was, there's two picnic tables identified at the front of the building. Is, sometimes we've seen benches along Main Street. Is there an opportunity to put a bench maybe on...

Mr. Lewis - Is it something that you want?

Mrs. Moore - If the Board feels that it's necessary.

Mr. Lewis - Board wants benches, no problem.

Mrs. Moore - Okay.

Mr. Lewis - You tell me where and we'll put 'em there.

Mrs. Moore - Alright, we'll express that.

Mr. Healy - They ain't going to stay there.

Mr. Miller - Done right, they will.

Mr. Healy - Cement?

Mr. Miller - Sure.

Mr. Lewis - Alright, let me address the elephant in the room here, the neighborhood, the neighborhood character. Again, it's reasonable that anyone who's living on Elm Street says, ya know, this is not a commercial area, even though we hear, to, talk about site plan review and not the rezoning, I want to at least give you our take, albeit, however biased it might be that where the gas is, was already zoned. It is a commercial district. It's opposite a Grand Union and a Subway and the woman, ya know, from the Emerson House, said, ya know, passionately... I do feel for her, ya know, it's about neighborhood character, but that is a commercial area. The rezoning was, was for a small portion of that building, which is 4% of this property, and originally we had already found a bank, they had an interest in our knocking down the old post office. We would've had our shop right over here. We'd had a bank here. We'd had a bank driveway. If that were the case, then I would understand significantly more that, that we're adding commercial in an area which is zoned Professional Office and Multi-Family. And also if you look at the zoning map, now, the residential district is a lot more west, but let me, let me stick to the site plan. I'd ask the Board to, to look again that, from a safety point of view, that where we're going now is substantially safer and so many areas on traffic than where we are now. And when I talked to the DOT, I mean, ya know, they, they told totally got it. Jon, do you want to add something 'cause I think I'm done with the questions.

Mr. Lapper - (Inaudible) traffic questions for Wendy (inaudible).

Mr. Lewis - Does anyone have more questions of me before I sit down?

Mr. Miller - Not right now.

Mr. Lewis - Okay.

Mr. Miller - You have any?

Mrs. Moore - Yeah. Okay. Keep coming up, a date of the traffic study and time of study and I don't, I know it's in my file thing...

Ms. Cimino - The counts we did were on March 31<sup>st</sup> and April 1<sup>st</sup>, so we were out there two different days and we had staff including myself up there several other times just to observe, knowing, ya know, knowing all the concerns and ya know, so we were up there several different days. Yes, we don't... No one that I work with lives around the corner, but we've been up there, ya know, several times. The... I don't, I don't remember the, the weather or anything but I,

it wasn't raining. I mean, part of our specific scope was to do the counts during a normal school day...

Mrs. Moore - Okay.

Ms. Cimino - ...when, ya know, the weather was good. If it was pouring, we wouldn't have done the count then. But I didn't record the exact weather. And it was early Spring and the weather's been so crazy, I couldn't tell you. It could've been 90 for all I know. Is the time, are, the peak hours again, are you..?

Mrs. Moore - Yes.

Ms. Cimino - 7 to 9 in the morning and 3 to 5 in the afternoon. And I know there's been several comments regarding the school traffic and staff was out there a little bit earlier knowing that the school buses, the school bus traffic is released at 2:45. The pedestrian walkers are released at 2:55. So we were there reading to count and made some observation even before (inaudible). Like there were seven buses we have that turned off of, of Library. We have some of those, ya know, documented just as far as the character and what's going on in the area. And again, the pedestrians, ya know, pretty much, we got a lot of them. Ya know, did we miss a few kids that, ya know, ran fast or, ya know, but we were there when the majority... And we didn't want to move the peak too far in the middle of the day because then you miss a lot of the commuter traffic. So, ya know, we really did try to, to compromise and get a little bit of both.

Mrs. Moore - Okay. Back to studying the Milton Street bridge area. My understanding when you made your presentation earlier, that you did, you were aware that Milton Street bridge would be open and that was part of, that...

Ms. Cimino - We were asked that question after, after I did this study and there was a, ya know, at the time of our, our analysis, I think there was a sign that said, on Library, that said the bridge ahead was closed. I mean, I know now I was out there earlier and it said that now go down Library to like, there's a detour that goes the other direction. But we did, I looked at the numbers. I, ya know, I don't know how many cars are going to be added to the network, but I can tell you that the, the intersections have capacity out there. (Inaudible) the DOT or the County are fully aware of what's happening out there. Were they concerned with, ya know, this existing situation that, that's not quite there right now, ya know, about adding more traffic and what's going to happen and ya know, there was...

Mrs. Moore - (Inaudible) in their information.

Ms. Cimino - It wasn't... No, they did not and they gave, ya know, both of them signed off on the traffic and part of it is knowing that, ya know, the Stewart's is here. I mean, the character is here. There's other gas stations. It's not like this is a new use that's never, never been here. My guess would and again, I don't know what everybody in this room's traffic patterns is and if they

change them drastically because of the bridge, but if people are coming to this area to get their coffee or get their gas, they're coming to this area now. They're coming to the existing Stewart's or one of the other gas stations and they're going to continue to come here, so if, ya know, if that traffic did increase at those (inaudible) intersections, I don't see there, ya know, being, turn lanes are, ya know, you're not going to put a traffic signal in because a Stewart's came in. It's just, it's not a use that's going to, going to...

Mrs. Moore - My under, my understanding is Elm Street is considered a collector and Main Street is considered an arterial so does that indicate that, like Elm Street's always been a point of traffic that is sort of a carry-over of local traffic and Main Street traffic?

Ms. Cimino - Right. It's a, collector means it collects the traffic from, ya know, the (inaudible) the arterial is more of a function of moving traffic, like the State highway's are typically, ya know, arterials where their, their main function is to, to move the traffic as far as the State.

Mrs. Moore - So Elm Street basically was designed to handle collector traffic?

Ms. Cimino - Exactly. It's designed to collect the traffic to get it from, ya know, the residential to the collector over to the state arterial. So the function is to get it from, ya know, get the residents, get everybody that needs to go to, the ya know, the main roads of commuters are, ya know, the interstates, the highways, the arterials, the state road. Not that everybody uses them, but the function is there. The same as the function of the, ya know, the seasonal traffic. Most of the seasonal traffic will likely stay, ya know, on Route 9, ya know, because that's where, ya know, people aren't as familiar as locals. They're not as apt to cut through all these side roads and bridges and, ya know, to get to and from.

Mrs. Moore - Okay.

Ms. Cimino - And one of the other comments... Let me just go on, on the level of service. A comment was made. When I did my presentation, I was, I was trying to focus on like, the worst, ya know, intersection. There are a lot of movements at these intersections that are A's with very little delay. What I tried to, ya know, kind of focus on, ya know, where there is some delay, DOT, ya know, accepts, especially during peak hours, ya know, everyone likes to see at least a D because everybody understands that during the commuter and the peaks, that's why we call them the peaks, that's we study them, they're the worst conditions out there. They're, ya know, one hour of the day. They're not, ya know, every other hour of the day. The traffic is a little bit less. Not that you're going to counter-delay. You might hit an intersection and one time you, you wait longer. Ya know, then you might get there and not have to wait, but that's the average. We try to look at



that peak. But there are movements that are A's and B's and C's and...

Mrs. Moore - So for the most part, the intersections are shown up there even with the crosswalk information, C is probably the average?

Ms. Cimino - Right, and, well, C is the, usually the side street.

Mrs. Moore - Okay.

Ms. Cimino - Ya know, that's, that's the side street that people have the stop, which obviously have to stop. They stop and then they have to yield to the, the other traffic.

Mrs. Moore - Okay.

Ms. Cimino - Which it's, there is a table in the report that, ya know, specifies for each movement. It tells you what the level of service and the delay and the biggest thing that we look for is an increase in, or a decrease in the level of service, as a result of this project. And that, that did not happen. Like if it's a C, it's a C now. I mean, what we counted out there today, it's a C, so when I say it's a C, you're out there today. That's what you're waiting in the peak hour on the average person. When the Stewart's is there, you're still going to wait just about the same.

Mrs. Moore - Okay.

Mr. Weick - Mr. Chairman, (inaudible) one of the questions during the public comment, can we just have a yes or no answer if the reopening of the two lane Milton Street bridge was included in, in the traffic study that her firm conducted or in any of the documents submitted to you by Mr. Lewis? Does it take into account the reopening of the Milton Street bridge? (Inaudible).

Mrs. Moore - I think her analysis that she's just presenting to us accounts for the Milton Street bridge.

Mr. Weick - Can we have a yes or no answer? Did it include increased traffic from the Milton Street (inaudible).

Ms. Cimino - It was not in the original study and I've since looked at it and looked at the results and have, ya know, documented to my client and I think he spoke of it at the last meeting and ya know, I've said it. Is it on a piece of paper that I've signed my name to? No. Can I do that? Yes.

Mrs. Moore - Okay.

(Unknown speaker) - You're not studying it further?

Ms. Cimino - I would study it further. That's what I'm saying. (Tape inaudible).

Ms. Cimino - It's the same thing. I mean, similarly, if, I, I increased the traffic by 25% at the intersections, all the intersections on the main roads to account for seasonal factors. That's what DOT says this is a seasonal road. DOT has factors. We factor it up. So in some sense, I did look at an increase traffic scenario, 25% increase in traffic. Did I, in my office, look at

increasing Library Ave. traffic and rerouting everything and rerunning it? Yes. Did I put it a letter? No.

Mr. Lapper - That 25% would cover...?

Ms. Cimino - Right. I mean, the bottom line is, again, DOT and the County have looked at the analysis. They've signed off on both, both agencies, ya know, have signed off on it. That's, that's the check of that. Did Creighton Manning do their due diligence? Have we done everything based on the standards, the practices, procedures? Did we follow all the rules? Ya know, yes, we did because we have their sign-off.

Mrs. Moore - Okay.

Ms. Cimino - The only other thing I didn't think of that, to clarify is that we looked at the pedestrians at all the intersections, all, all of the movements. We didn't just count the two that happen to be on the base mapping. We did count them on everything. And that is in a table that's documented. Also for each peak, every, all four intersections that we studied.

Mrs. Moore - I don't have any other questions?

Mr. Miller - Okay. I think we're all set.

Ms. Cimino - Are you set?

Mr. Miller - Yep.

Mr. Lalone - Could you just reiterate the number of pedestrians that cross at those intersections in the morning, during the school hours?

Mr. Miller - Do you have that number?

Ms. Cimino - Yeah, hold on. Yeah. I have a, I have a summary. I don't... I would have to go back and look at the actual data to say, ya know, who crossed Library and who crossed Elm. Who crossed what? In general, at the Emerson Avenue there was four pedestrians in the morning, Stewart Farrar two, Elm and Stewart Farrar three, Elm and Library nine. In the afternoon, at Emerson and 9 there was eight pedestrians and two bicyclists. 9 and Stewart Farrar are eight pedestrians. Elm and Stewart Farrar are nine pedestrians, four bicyclists. Elm Street Library four pedestrians, once bicycle and we did note also that ya know, everyone in general seemed to stay at the sidewalks, use the crosswalks. Ya know, they weren't haphazardly. They seemed to follow the, the facility's provided to them.

Mr. Miller - That answer your question?

(Tape inaudible).

Mrs. Crandall - Can I say something? (Inaudible).

Mr. Miller - Can you..? Can you come up to the mike?

Mrs. Crandall - (Inaudible).

Mr. Miller - Okay. Alright. Go ahead.

Mrs. Crandall - And he knows how much traffic there is and he knows like when there's a good day. (Inaudible). And he's also at the school when you go in to the school to James Street. He's there

from 2:15 to 3:30. So he would know exactly, there is a lot of traffic. And there's a lot of kids that ride their bicycles. Some of 'em even take their skateboards to school. So there is a danger there on both ends.

Mr. Miller - Okay. Thank you.

Mrs. Potter - I don't think anyone ever answered my question. Would you like to have this place across from your house? That's... I asked that in the very beginning. Would you like to open your windows and see this building...

Mr. Weick - Mr. Lewis?

Mrs. Potter - ...and this gas station across from you?

Mrs. Moore - I'm sorry. Address questions to the Board?

Mr. Weick - Can we hear an answer from Mr. Lewis on that?

Mr. Miller - I don't think he needs to answer that question.

Mr. Danna - Could I (inaudible) ask a question? I'm just curious, what would the traffic study look like if it wasn't done during mud season, but perhaps in the summer or in the Fall when people are out walking around. 'Cause personally March 31<sup>st</sup> around here, I don't (inaudible) on the streets. I don't ride my bicycle. But I think maybe other times of years, you might get a better representation. Again, just to make a good informed decision.

Mr. Miller - Do you have factors that you consider in those?

Ms. Cimino - I mean, as far as the pedestrian?

Mr. Miller - Right. When you do a study, are there, do you, do you take a base study and then you add or subject for, for different times of the year based on that?

Ms. Cimino - Typically...

Mr. Miller - Potential?

Ms. Cimino - ...the factors that we have are for the, are for the actual vehicular traffic. I mean, as far as pedestrians go, to be honest, the pedestrians have the right-of-way, so when it's factored into an intersection, they have the right-of-way at an unsignalized intersection. Ya know, the pedestrians... You yield to the pedestrians first. That's that law. As far as at a signalized intersection, if there's pedestrian crossings, that actually, the timing of those, ya know, the push buttons and ya know, the time that they're allotted to go across the street when the rest of approaches are (inaudible) goes into that. But at an unsignalized intersection, ya know, it doesn't. And ya know, as far as... Ya know, it's acknowledged by Stewart's that there's pedestrians out there. That's why we went out there during school. Ya know, whether we go this day, that day, the next day, I could go out there tomorrow and count and there may be 50 students but does it really make a difference as to the capacity and level of service and what the State thinks and what the County thinks. The accommodations for the pedestrians are there. The school has the cross guards there. Whether Stewart's is there or not, they're, they're there. The

cross guards are there to take care of the students. Ya know, I don't, I don't know how else to, to address that question.

Mr. Miller - Thank you.

Mrs. Moore - One question to Mr. Lewis, someone discussed relocation of store and gas pumps. Can you describe what your evaluation is of how you set up the store and the gas pumps, convenience probably to traffic that's coming down Route 9. Someone suggested we move the gas pumps to the rear. It's a little awkward, but...

Mr. Lewis - I want Nancy to answer that one.

Mrs. Trimbur - We try to arrange the gas pumps for the convenience of the customer. The customer is not going to want to drive behind the building.

Mr. Lewis - I would venture to say you've never seen that anywhere. Now I saw one in Columbia County where, where the gas is behind and it, this is what functions the best for all people walking and all people driving.

Mrs. Danna - Here's some pictures of a beautiful gas station (inaudible).

Mr. Lewis - And that's the one.

Mrs. Danna - (Inaudible) small wooden sign. Here's a beautiful gas station in Meredith, New Hampshire and here's a McDonald's, McDonald's in (inaudible). And there's many more examples of how we could make this fit into the architecture, but I really think (inaudible).

Mrs. Moore - Thank you.

Mr. Lalone - (Inaudible).

Mrs. Fruda - (Inaudible).

Mr. Miller - Briefly please.

Mrs. Fruda - In some of the material I have read, that one thing that should be considered, that perhaps these studies may not point out are the actual people that are being effected and it said those people should be listened to because they live it every day. So you can do all the studies in the world, but they do not have to live it. They do not see it. They do not have to experience it.

Mrs. Danna - Can I make one comment on the crossing guards?

(Tape inaudible).

Mrs. Danna - Years ago, I believe Diane Newell was with me, we went to a Town Board meeting requesting two cross guards, because we were so concerned about school safety, and we were told at that time that they really just didn't have the money to hire two and that's why the cross guards starts at one corner and moves to another. But even then, there was debate whether that was the best setup because we have a lot of kids now crossing at both areas, by the Library which is Elm and Library Avenue and James Street and Library Avenue, we've had other near misses in the past. Thank you.

Mr. Miller - (inaudible), should we evaluate the crossing guard.

Mrs. Moore - Okay.

Mr. Miller - Number of cross guards (inaudible). Anybody else has any questions? Art?

Mr. Healy - Yeah, I can start. Elm Street, exit, that's one way?

Mr. Lewis - Yes, sir.

Mr. Healy - Okay.

Mr. Lewis - One-way, out.

Mr. Healy - They're coming out. That's all going to the right?

Mr. Lewis - That's correct.

Mr. Healy - Okay. That's one way, alright. Thank you. The building, that roadway, have you got enough room there, Chris, to put a roadway in there and parking too?

Mr. Belden - Where are you talking about? A roadway?

Mr. Healy - He's showing me a map here.

Mr. Belden - I, I believe there, there was a pre-existing roadway.

Mr. Healy - No, I know that, but now there's a building that had an extension on it, an addition on it. Okay? I'm wondering with the town laws or rules, is there enough room to put a driveway there.

Mr. Miller - It's a parking lot, Art. It's not a town road.

Mr. Belden - Yeah, that's not a roadway. It's a...

Mr. Healy - It's going to be an exit. Right?

Mr. Belden - It's part of the parcel.

Mr. Healy - What parcel?

Mr. Belden - It's part of the parking lot. It's not a roadway.

Mr. Healy - Okay. They're going to come out there, right?

Mr. Miller - Hm hm. A curb cut.

Mr. Healy - I know...

(Tape inaudible).

Mr. Miller - What is the size of the curb cut.

Mr. Healy - Yeah, I know (inaudible) that is.

Mr. Miller - 20 feet, is that what it is, probably? And it's designed to direct traffic only one way.

Mr. Healy - 19 feet? The building, you said, is rented?

Mr. Lewis - No, no. No, no. No, at some point, someone's going to rent that for an office.

Mr. Miller - And to verify that that, any use other than, that'll be subject to site plan review.

Mr. Healy - That's right. Do you have inside look at the Stewart's Shop?

Mrs. Moore - The internal layout?

Mr. Healy - How it's going to look inside?

Mr. Lewis - That should be in, although...

Mr. Healy - I haven't seen one, to be honest with you. I looked for it and haven't seen it. Where I'm going is, on Route 9, you just built a brand new one and it had one restroom in it. In Lake George, you have two restrooms.

Mr. Lewis - If it was up to me (inaudible).

Mrs. Trimbur - No, we're perfectly happy to put in two restrooms.

Mr. Healy - I would like that. One for disability, one..

Mrs. Trimbur - They would both be handicapped.

Mr. Healy - Okay, handicapped. Okay, thank you.

Mr. Lewis - Sorry, there is no interior..

Mr. Healy - No, there isn't. I didn't see one. I looked through all my big work. I didn't see nothing. I'd just to request two, that's all.

Mr. Miller - Yeah. You've got to remember too that, that they're going to be subject to Warren County Building and Code. So..

Mr. Healy - Well, they had one in Route 9, there's only one.

Mr. Miller - Well..

Mr. Healy - And in Lake George, there's two. I got no other questions. ...at this time.

Mr. Miller - Dave?

Mr. Spatz - Pardon?

Mr. Miller - Do you have any questions?

Mr. Spatz - Yeah. I have a question about the snow removal. Saw the shrubberies and landscaping. Where are you going to put your snow?

Mrs. Trimbur - We can certainly put that in the landscaped area.

Mr. Lewis - Nancy handles all our facilities, so the answer is there'll be some over here, there'll be some over here and there'll be some here. Not sure about here, but certainly it's in our interest that we do it and we do it right because (inaudible).

Mrs. Trimbur - And we also will haul it away if need be.

Mr. Healy - I was just going to say to do it right, you'd haul it away.

Mr. Lewis - That's correct.

Mr. Healy - If you do it right.

(Tape inaudible).

Mrs. Trimbur - Well, it's going to be dependent on the (inaudible), depending on the time of day, if it's snowing during the day (inaudible).

Mr. Healy - You wouldn't go over your shrubs? In other words, you got a height on your shrubs. You wouldn't have a snow bank over you shrubs? Okay. Thank you.

Mrs. Potter - And you wouldn't be doing it after midnight or before 5:00 a.m.

Mrs. Trimbur - If we're opening and there's a snowstorm that happens at 2:00, we've got to make it acceptable to the customers (inaudible) plowing..

(Tape inaudible; people talking at once).

Mr. Lewis - We would do the same thing that all businesses do.

Mr. Healy - Yeah, but I don't like to see a snow bank as high as this building.

Mrs. Trimbur - No, we (inaudible).

Mr. Spatz - And I have one more concern. I believe Mrs. Weick brought it up at the last meeting we had about... You know your stores going to be across the street from the church and people are sensitive about the adult magazines. Stewart's is the only store in Town that sells 'em and I was wondering if we could do something about that?

Mr. Lewis - I wish I could help you, but I know we can't 'cause that, that's, that's a first amendment issue and...

Mr. Spatz - Okay.

Mr. Weick - You don't have the sell it because it's a first amendment...

Mr. Lewis - Mr. Dake has been pretty firm on that for years.

Mr. Spatz - Okay. I just... The question came up and that's why I asked.

Mr. Lewis - It's a reasonable question.

Mr. Spatz - And I have another thing I'd like to bring up. The green siding on the old building, the old post office building, is there something we could do with that?

Mr. Miller - I'll second that motion.

(Tape inaudible).

Mr. Miller - Brick or, or even a, a brick colored rivet would be fine. Right? Dave?

Mr. Spatz - Yes.

Mr. Miller - Something..?

Mr. Spatz - Yeah.

Mr. Miller - Yeah.

Mrs. Trimbur - We'll consider changing it.

Mr. Lewis - That's the kind of thing I never (inaudible).

Mrs. Moore - What was the term that you used, rivet?

Mr. Miller - Yeah. It's the same, same product that's going on most of the building, the new building.

Mrs. Moore - Okay.

Mr. Miller - Something other than pea soup green vinyl.

Mr. Spatz - (Inaudible) gas delivery, but I believe that's been taken care of, so thank you very much.

Mr. Miller - The, I just, my one thing would be, is, ya know, and we know you guys are a community minded company and, and the crossing guard issue was brought up. One of the things that we're going to put on our list, is that the town reevaluate the number of crossing guards, times that they're there, etc. Would it be in your power or interest to help offset some of the cost of that.

Mr. Lewis - I don't think so. And, and that's one of these things.. I started 18 years ago and we gave away literally \$500,000 to the communities we serve. Last year that was two and a half mill. So I think we, we want to generously donate. We continue to do so because it's in our interest that we are good neighbors. I would add that taxes pay for the crossing guard that's there and, and it's

my opinion and I know some here don't agree with that, that we will have our old store that's already being taxed. We will now have a new store that will add some additional revenue and I would hope that that (inaudible) if the Town so desires. (Inaudible). Again, it's a reasonable question.

Mr. Healy - The old store, you just brought it up to me. The old store, what about the old store.

Mr. Lewis - (Inaudible) there will not be another Stewart's.

Mr. Healy - Thank you. That's what I wanted to know.

Mr. Lewis - That is not going to happen.

Mr. Danna - And it won't be a gas station?

Mrs. Trimbur - No, the gas tanks will be pulled.

Mr. Healy - I also wanted to hear that too. Yeah.

Mr. Miller - (Inaudible) not a gas station or a...

Mrs. Trimbur - (Inaudible) be another gas station.

Mr. Miller - Or a convenience store, necessarily, it'll be subject to site plan review.

Mr. Healy - Yes.

(Tape inaudible).

Mr. Lewis - We usually like site plan review.

Mr. Miller - Right. Well, yeah... It's retail, right.

Mr. Lewis - (Inaudible).

Mr. Miller - Without giving it away, your potential customer for that, is it retail sales or..?

Mr. Lewis - We think we have a potential customer who's in business right now.

Mr. Miller - Okay.

Mr. Lewis - You're talking about the old store?

Mr. Miller - The old store.

Mr. Lewis - Right.

Mr. Miller - Right.

Mr. Lewis - I don't think (inaudible).

Mr. Miller - No, I'm just... All I wondering if it's retail, retail sales or if it's another use.

Mr. Lewis - I'm not sure how that's called...

Mr. Miller - It's just a question.

Mr. Lewis - ...out in the code.

Mr. Miller - Right.

Mr. Lewis - But if it requires site plan review...

Mr. Miller - Right, okay.

Mr. Lewis - ...it's not a problem 'cause it would be substantially better than where they are now.

Mr. Lalone - Can I just ask a quick question?

Mr. Healy - At this time, the old post office isn't rented right now, right?

Mr. Lewis - That is correct.

Mr. Healy - Thank you.



Mr. Lalone - Just, the current code (inaudible) ya know, will apply the code, does the current code require site plan review if there's no change in use?

Mr. Belden - No.

Mr. Lalone - So if a convenience store was put there, could they do that without going through site plan review.

Mr. Lewis - (Inaudible).

Mr. Lalone - Certainly...

Mr. Miller - Right. It wouldn't be in their best interest to do a convenience store.

Mr. Lewis - I can promise you that. (Inaudible).

Mr. Miller - But to answer your question... Well, you want to answer that, Chris or?

Mr. Belden - I mean, there's different factors that would require a project to go before site plan review so, I mean, it's kind of a yes and a no. It depends on what was done with the site. If it was kept in the same building, like at the same square footage and stuff like that and just put in one more store, then, they wouldn't require it.

Mr. Lapper - They will agree as a condition, that it'll be a gas station/convenience store.

Mr. Miller - Right. Okay.

Mr. Lewis - He's talking out of turn.

Mr. Miller - That's what you pay him the big bucks for, right?

Mrs. Moore - One of my issues has been the building, not (inaudible) but what the color of the building is. And I'm just curious, right you have a brownish color proposed. I'm curious if, if other board members foresee it being in the best interest to have it be more consistent with the, the two white buildings that are there now?

Mrs. Trimbur - It looks dark there.

Mrs. Moore - Yeah.

Mrs. Trimbur - It really is much lighter.

Mrs. Moore - Okay.

Mrs. Trimbur - (Inaudible).

Mr. Miller - Is it... Are the gables going to be that color as well. The, what color are the gables?

Mrs. Trimbur - White.

Mr. Miller - White? Does that answer your question?

Mrs. Moore - Gables are white.

Mr. Miller - Gables are white.

Mrs. Moore - Okay. Cement board siding, has that been, ever been asked to do on, on the building itself?

Mrs. Trimbur - Instead of the Dryvet?

Mrs. Moore - The Dryvet.

Mrs. Trimbur - We can take a look at it.

Mr. Miller - What are the, what are the gables going to be? They're clapboard, but are they vinyl or..?

Mrs. Moore - Does, did anybody have any comment about the color?

Mr. Healy - I didn't hear none.

Mr. Miller - Planning (inaudible).

Mrs. Robichaud - I'm fine with the color.

Mr. Miller - Color?

Mr. Healy - I'm fine with the color.

Mrs. Whalen - Excuse me. May I ask a question?

Mr. Miller - Sure.

Mrs. Whalen - I was wondering if the Town did submit that, that May 16<sup>th</sup>, I believe it was, SEQRA to the State Office of Park, Recreation and (inaudible) Preservation and if so (inaudible). (Inaudible) how that will affect the project.

Mr. Miller - Do you have a..?

Mr. Hill - SEQRA review has been completed. SHIPO, the organization referred to, is not an involved agency. So they have no decision making authority to respect to the proposed Stewart's.

Mrs. Whalen - I'm sorry, but SHIPO is a concerned agency because of the fact that we are in national and state register of historic district.

Mr. Hill - They're an in, I believe they're an interested agency. I don't believe that they're an involved agency. I'm sorry. That was the distinction I was making for purposes of SEQRA. I don't believe they exercise any decision making authority with respect to the, with respect to the proposed project.

Mr. Lewis - May I show the Board this as to color?

Mr. Miller - Sure.

Mr. Lewis - It'll look like that.

Mr. Miller - Right.

Mrs. Moore - Okay.

Mr. Miller - It's a lot lighter than...

Mr. Healy - The building's going to look like that.

Mr. Miller - The color.

Mrs. Trimbur - The color.

Mr. Healy - Oh. (Inaudible) color.

Mr. Haggerty - Can I ask a parking question?

Mr. Miller - Sure.

Mr. Haggerty - Pete Haggerty of the, across the street from the proposed...

Mr. Miller - Pete, can you just come up and speak?

Mr. Haggerty - I think the opening on the State road is going to cause a loss of about 100 feet of parking. Is that right?

Mr. Miller - Of the, on Main Street?

Mr. Haggerty - Yeah.

Mr. Miller - Is there parking there now. I don't think there is...

Unknown speaker - Yes.

Mr. Miller - ...actually. Is there?

Mr. Haggerty - It's probably six cars. And then the same distance, I think, would apply on Stewart Farrar.

Mrs. Robichaud - (Inaudible).

Mr. Miller - No, they're keeping it.

Mr. Haggerty - You (inaudible) another six cars.

Mrs. Potter - 45 feet on either side of the curb cut (inaudible).

Mr. Haggerty - You've got the entrance which is 40 or 50.

Mrs. Potter - Yeah.

Mr. Haggerty - So you've lost 12 parking places. Contrary to the, this is page 2 of the... I got the traffic study and got to page 4. It was too much, but page 2 says parking is permitted on both sides of US Route 9 with the exception of the west wide, south of Stewart Farrar Street. And I don't think that's accurate. You can't park for about 400 feet on the east side of Route 9 because you've got the Grand Union and their entrances and then you've got some Ragusa roses and some maple trees there. So we're at a shortage of parking. The one John Alexander's Funerals, there were 24 cars parked in the Hudson Headwaters parking lot. There was another funeral that he had where Stewart Farrar was covered both sides with parking and they had eight cars in the Stewart Farrar parking lot. I've, I've checked out the Presbyterians and on a Sunday, they will range anywhere from six to ten cars in the parking and on Easter, they had 16. And my question is, and I asked this question of the State, I said, ya know, we're losing parking there and he said that's not my problem. That's the Town's problem. And I assume, I didn't talk to the County person, I assume they'd say the same thing. And my view is it may be partly the Town's parking, but I also think it's Stewart's problem and I was just wondering if they have an answer to the parking situation?

Ms. Cimino - The descriptions in the report about the parking and not parking are to give a general idea of the character that there's parking on the road or not. There, to my knowledge, isn't a posting of a no parking in front of the Grand Union. Obviously, you don't park in a curb cut. That's, we don't say, ya know, mark underneath the... It's a generally, generalization. I do believe we made a mistake when we said that Elm Street actually is posted on one side and I think in our report we did say it was not prohibited on, on the. I don't think it's, ya know... Again, it's just a generalization. We made one error in our report, but... And as far as the, the loss of parking which I had talked about previously, is, as far as sight distance goes, we recommended that potentially, ya know, 25 feet be, ya know, marked off and it's, that's a typical situation ya know, where you don't have don't park here to corner. The State actually when they have, or cities or whatever, when they have parking in urban areas where they mark out the actual striped parking, the 25 feet is, is standard to, ya know, from a curb cut, from a radius, to not have parking, but I did say that there's, ya

know, there's some discretion there. It's for sight distance. 25 feet is the length of one spot, not two or three or four. And the reference to Route 9 is south of the driveway. If you see there's a bump-out there . and that recommendation was more for consistency things because there's the curb cut and there's a small area and then there's a bump-out. The bump-out is a benefit to have there. The State put that in there. It's a benefit because the pedestrians, the bump-out provides less pavement, less travel way for a pedestrian to cross there. So we think that the bump-outs are important to leave in the corridor. And it was just to not have, like, one or two cars trying to squeeze in that area before the bump-out. And also helps with visibility for the pedestrian crossing. There's been a lot of concern about pedestrians and if there is a clear line of site from that entrance or exit of Stewart's on Route 9, looking to the right, ya know, to that pedestrian crossing, that's a benefit as well.

Mr. Miller - Thank you.

Ms. Cimino - And as far as the, the parking issue goes, I, I mean, obviously, ya know, we're aware of the issue, but the fact that Stewart's is going to purchase and, and occupy this space, ya know, it's probably, it's not, I guess it's and advantageous to, it's been everybody, that they've been able to utilize it, but that doesn't mean that Stewart's is responsible for taking over and developing this site, when it was previously occupied. Ya know, it may or may not have been used as overflow parking, but it's not Stewart's responsibility to provide on, off-street parking for other commercial facilities.

Mrs. Potter - (Inaudible) though, in the evenings and on the weekends, it was not in use during that part when it was, before it was zoned commercial it was always office when they were allowed that.

Ms. Cimino - Again, it's, it's a private parcel. It's not their responsibility to provide public parking.

Mr. Danna - Can I say one thing?

Mr. Belden - Please come to the microphone.

Mr. Danna - (Inaudible). The microphone?

Mr. Belden - Please.

Mr. Danna - This is very random (inaudible) on my mind and it's getting late. Why not just build by Potter's. I think that would be the perfect spot. It's very clear you're very accommodating... (Inaudible; people clapping).

Mr. Danna - ...and then we've a, a residential area that's remaining a residential area. You've in the community which we love Stewart's and you're in a spot that is going to be much less intrusive. Thank you for letting me talk.

(Applause).

Mr. Miller - Do you have any questions?

Mrs. Moore - I don't have any questions. I'll just run through some comments that the Board has come up with. We talked about bike racks, additional landscaping at corner, bench along Main Street, comment to the Town Board to review number of crossing guards and times available. Any use on the site in regards to the post office would require site plan review, two restrooms. Consider changing the post office siding to Dryvet. Consider building material covering being cement board siding versus Dryvet. I can...

Mr. Lapper - Lights off after closing.

Mrs. Moore - Lights off after closing.

(Tape inaudible; people talking at once).

Mrs. Trimbur - (Inaudible) read half an hour after closing (inaudible?)

Mr. Miller - Yep. Half hour before; half hour after.

Mrs. Moore - Okay. Just for the Board's opportunity, I do have at as semi-notes, that the application is consistent with our Hamlet Commercial zone, where it says under purpose, under, primarily through infill. So this project (inaudible) vacant lot, is actually providing infill in our community and making Main Street a consistent location. It's not, there's no gap. A couple times, as you know, I chair the Comprehensive Plan Committee, so I did go through...

Mr. Healy - Thank you.

Mrs. Moore - Sorry.

Mrs. Moore - ...the 1987 Comp. Plan and reviewed it. As you know, I, my experience in the planning field goes, so I do believe I can be objective when I'm reviewing an application. So I went through it in, in detail. I did find... I do believe, as a Board member, that it is consistent with the 1987 Comp. Plan where Route 9, as a... It recognized Route 9 as a high density primary commercial service center and a secondary residential area. So I did identify that within the Comp. Plan. What was the other one? Under transportation analysis, I did mentioned this earlier, that the Comp. Plan recognizes that Elm Street is a minor collector, paralleling Route 9 as a major, as an anterior or major road. So it, so it accounted for additional traffic as a collector road. The other thing that I did note, find within the Comp. Plan was that keeping the post office building was a public concern. They did want to keep that on the site and the applicant has agreed to do that. (Inaudible). And there's another plan, the Main Street plan that's not an adopted plan, but it points out that gaps in the streetscape are noticeable and unwelcome, unwelcoming and unappealing. So again, we're talking about infill and I think this project does that. Does any, does Board members have questions about that?

Mr. Healy - Where do we stand with the County on this? Has it gone in front of the County Planning Board yet?

Mr. Lapper - Yes.

Mrs. Moore - Yes, it has.

Mr. Healy - Thank you. What was their results?

Mr. Belden - I'm sorry. Can you repeat the question?

Mr. Miller - Results of the County Board?

Unknown speaker - No action.

Mr. Belden - There was no action taken on... They didn't have quorum.

Mr. Miller - Oh.

Mr. Healy - It's not going to go up then?

Mrs. Corlew - Right. It's done .

Mr. Healy - So it's done.

Mr. Belden - The 30 day deadline is over.

Mr. Healy - Thank you.

(Tape inaudible).

Mrs. Moore - We still have the public hearing open. Do you want to either close that or do you want to continue accepting public comment?

Mrs. Knowles - Can I make one...

Mr. Miller - Yes.

Unknown speaker - Ya know, are gas stations, gas stations...

Mr. Miller - Can you come up and state your name and..?

Mrs. Knowles - My name is Peggy Knowles. I live at 37 James Street. A gas station is a gas station is a gas station. No matter what color you put it or what material you use. It's still a gas station right in the heart of Town. Chestertown's Stewart's is out of town. North Creek, out of town. Ours is right in the center in a prime piece of property and I really, really feel sorry for Dottie Potter and anybody else that this is going to directly affect. That's it.

(Applause)

Mr. Miller - Anymore comments?

Mr. Gilchrist - I'm not sure I understood what happened just a minute ago. Were you saying that this is not an intrusion to a residential neighborhood?

Mrs. Moore - I'm saying the project is consistent with the Hamlet Commercial zone where it provides infill.

Mr. Gilchrist - But it also is an intrusion into a residential neighborhood. The Hamlet Commercial zone...

Mr. Miller - Just one second. She's...

(SIDE A OF TAPE TWO CAME TO AN END)

Mr. Miller - Okay.

Mr. Gilchrist - The Hamlet Commercial zone was created, and it says so right in the 1987 plan, was created to draw boundary so that commercial activity would not encroach any further into residential neighborhoods. This, there's no other way to read it. This is an intrusion into a residential neighborhood. It's a violation of the comprehensive plan, and that is a violation of state law.

Mr. Hill - Mr. Chairman, if I may.

Mr. Miller - Yep.

Mr. Hill - The Town Board made the determination to change the zoning on the parcel. That was the Town Board's decision. It sounds like the comment is directed at the zoning change. The parcel is now Hamlet Commercial and the Town Board has decided that commercial development on the entire parcel is appropriate, so to the extent that the comment is directed at what the zoning is, that has been decided by the Town Board.

Mr. Gilchrist - No, my comment is directed to site plan review. The state documents about site plan review instruct Planning Boards to consider the consistency of a site plan with the Town's Comprehensive Plan. In fact, the, you are required basically to go through everything that the, that the Town Board went through and, and a little bit more. You're also required to consider economic impacts, and that means you're supposed to collect data, analyze it, collect facts, analyze the data and write up a report about what your decision is to justify whatever your determination is. And it's not only the invasion of, of residential neighborhoods that would be a violation of this comprehensive plan. There are several other components. There's a visual compatibility, the use compatibility, the, the comprehensive plan makes a very special point that you should give special attention to ensuring the historical integrity to the Town. And, and those are some of the ones I, you've seen those in writing. We presented them to you.

Mr. Belden - If I, I could just interject. The Town has an adopted in the, in the Zoning Code which allows for amendments to be made to the zoning map, and so that, that process has already been done. And the zoning code also allows for gas stations to operate and convenience stores to operate within the Hamlet Commercial district. Now that parcel has been entirely changed to Hamlet Commercial...

Mr. Miller - It's an allowed use.

Mr. Belden - ...this is an allowed thing to happen, so... And I should also add that the, that, that entire parcel on four different sides was Hamlet Commercial. It was kind of a flagpole zoning, zoning boundary, but it was on four sides Hamlet Commercial.

Mr. Weick - Pardon, pardon me, but could, Mr. Belden show on the map what he's referring to?

Mr. Belden - It's on the map, if you look at the dotted line on the map, it shows the boundary lines of the pre-existing zone.

Mr. Lewis - This area here was all HC before we got here.

Mr. Weick - This is a house. This is not Hamlet Commercial.

Mr. Belden - You're looking beyond the dotted line.

Mr. Miller - Where his red dot is, that was Hamlet Commercial.

Mrs. Potter - It was a right-of-way.

Unknown speaker - Right-of-way.

Mrs. Potter - It was a right-of-way.

Unknown speaker - But it was commercial.

Mr. Miller - But it was Hamlet Commercial.

Mrs. Corlew - It was zoned...

Mr. Belden - It was zoned Hamlet Commercial.

Mr. Healy - (Inaudible) original parcel.

Mrs. Potter - Part of the Cunningham estate.

Mr. Belden - But I should also add that the Town Board changed the zoning for that parcel to make that entire parcel Hamlet Commercial.

Mr. Gilchrist - But this Board...

Mr. Belden - At this point, it is now Hamlet Commercial, the entire property is Hamlet Commercial. Therefore, this is an allowed use in that, on that piece of property.

Mrs. Whalen - I'd like to comment, whether it's an allowed use or not, I, I believe that our Planning Board has the discretion to, to, ya know, have, take all of this input into consideration for the use. I don't think anything is just black and white. There's a lot of gray, gray area here.

Mr. Weick - Mr. Chairman?

Mr. Miller - Yes, sir.

Mr. Weick - May I have you indulgence for just one comment on the historical district?

Mr. Miller - Sure.

Mr. Weick - Paul Weick again. And earlier I referenced that I thought it was kind of sad that we were here for all these things and another thing I think is sad is that the Chamber of Commerce this year recognized the Historical Society, as a group, for their person of the year. That's the Chamber of Commerce. So they must think that there's some value to our historical resources. If they, as a business group, have given the Historical Society, their Citizen of the Year. And I would just ask the Board to consider the objections that have come from people involved in the Historical Society when they have been awarded Citizen of the Year by the Chamber of Commerce.

(Applause)

Mr. Healy - Why do they think that we haven't taken into consideration. I don't understand that.

Mr. Miller - Okay, Art. Alright.

Mrs. Danna - (Inaudible). I gave you some photos of some really beautiful gas stations and I really don't think this is the right site for this, but I would encourage you, if you decide to go forward with this, to really look at something that's going to architecturally fit in the neighborhood. A typical Stewart's does not fit in that historic neighborhood.

Mr. Miller - I don't think this plan's a typical Stewart's plan.

Mr. Weick - Well, what about the Manchester, Vermont store 'cause that's really nice.

(Tape inaudible).



Mrs. Danna - Can this be a two stage thing? Could it be a vote whether you're doing it a not and then you look at the, the...

Mr. Miller - Right.

Mrs. Danna - ...the buildings.

Mr. Miller - Actually we are not an architectural review board too. I mean, we can ask them to do, ya know, things, in the spirit of cooperation, but we really are, we don't have the power to tell somebody they can't, what color to paint their building or whatever.

Mrs. Danna - Oh, I think you, I think you do. I think you do. And other towns do it. Why are...?

Mr. Miller - Other towns have architectural review boards.

Mrs. Danna - ...certain towns beautiful and maintain their historic integrity because they decide to make that a priority.

Mr. Miller - Well, that's...

Mrs. Danna - This is our chance. This is our opportunity to decide what we want.

Mr. Miller - One of the things that...

Mrs. Danna - And you have a lot of...

Mr. Miller - ...(inaudible) come up in the Comprehensive Plan as we move forward and what Laura's heading up is maybe we do that, but we don't have that right now. We don't have the power for that.

Mrs. Danna - You do have the power. You DO have the power.

Mr. Weick - All you have to do is vote no.

Unknown speaker - Ask the attorney if you have the power or not.

Mr. Hill - Mr. Chairman, with regard to the aesthetics and the appearance of the building, the Board as the authority to work with... (People clapping).

Mr. Hill - ...the applicant to, to have the appearance of the building result in an appearance that the Board thinks is appropriate and keeping with the community and the surrounding area. And it sounds like based on what the, the statements the applicant had made with regard to color, it sounds like they've offered you a variety of colors and different appearance options and so forth and so if you have further questions or concerns of the applicant in that regard, with regard to anything that you would like to see appearance-wise, I would encourage you to ask the applicant those questions.

Mr. Miller - We've basically already done that.

Mr. Lewis - We wanted to do the Adirondack design. Back when we, back when we had a contract on the other site and we appeared for the Board, we were asked for an Adirondack design. At that time, we did not have (inaudible). So we purposely, when we signed this (inaudible) you've got to come with an Adirondack design, and we did, and we were asked by the Planning Board (inaudible) to exactly what we've given. The board did ask us for something and we complied, which we were happy to do.

Mrs. Danna - Community is here expressing their opinion and I think we should ask for a Victorian or a Colonial design. That would fit

in the neighborhood. In fact I have beautiful pictures here. And I have to agree with my husband that could be just work things out at the other site. Everyone would be happy. Is there some way to do that? I really think, if you really care about our community, then that is the best solution.

(Applause)

Mrs. Danna - I am not saying that these are right for Warrensburg, but I'm showing you what can, a beautiful gas station can happen, and I don't think a typical Stewart's fits in this neighborhood. It doesn't fit. We all know that. So I'm cautioning you before you approve that and you do have the power. You do.

(Applause)

Mr. Miller - To me, this building, for one thing, is not a typical Stewart's, 'cause we had, a typical Stewart's is what we have at the south end of town. There was a photograph of a Stewart's that was in Pennsylvania, I believe, which I found on, on line, and I provided to Mr. Lewis at one point, which had columns and it had a, some gables and, and very, very subdued look, which I thought fit best. It, it had the columns. Were not super ornate, because even the buildings that are in the area are not that ornate, if you look at the, at the library. It is a stone structure. It has architecture, but it's subdued architecture. The, even the bed and breakfast right across the street has columns. It's not a true Victorian house with a lot of gingerbread or anything on it. So this design to me, as a designer, myself, I feel that this is a good, simple design that is not a typical Stewart's. But if anybody has any, any suggestions or whatever to, that we can bring in here on, I want to hear it. I'm sure the Board wants to hear it and I'm sure Stewart's want to hear it. But...

Ms. Frasier - I'm Eileen Frasier and I own Seasons Bed and Breakfast across from the street.

Mr. Miller - Hm hm.

Ms. Frasier - And I appreciate what all of you are doing. This is, I just talked with Dr. Rugge. This is not about Hudson Headwaters. This is not about Stewart's. This is about our Town and preserving this history. But one thing I do have a concern with, Shale, you keep saying I have, or we have, but what about the community input? We live there, and I think that we, you owe us an opportunity to, to give some input on, in terms of if it's going to go there, then let us give you some input on the design.

Mr. Miller - That's, we're... That's what we're doing right now.

Ms. Frasier - Well, I don't know. That's, that's not what I'm hearing. People have been giving input...

Mr. Miller - People keep talking about the SEQRA. We're here to talk about the site plan. If you want, give us suggestions and give us architectural things, then that's what you've done. A few people have chosen to do that.

Ms. Frasier - I think the concern is, Shale... I think the concern is people are afraid to give you their input on design when they think that may be a little possibility that, that you may consider the input of all the community members before you make your decision and so I think...

Unknown speaker - (Inaudible).

Ms. Frasier - Excuse me? I think what people are afraid to say if you're going to put it there, this is what we want because then it's conveying a message to you whether it's conscious or unconscious to you that we are in favor. We are not in favor of it. It's not about Stewart's. It's not about Hudson Headwater. And if I could talk with Jack Toney and Rick Galusha and the other owner and sit down with Tom Lewis and anybody else to see if they could go down to that other lot, I'd be happy, happy to mediate that session for you.

Mr. Miller - It's not for me.

Ms. Frasier - Well, I understand that. But I think that people have dug their feet into the ground so much that they're not going to let the community have an input on what we think. We live there, and I can tell you Gary talked about the prices of houses. I can tell you, I have guests sitting on my porch right now. They know where I am. And you know what they asked me? Do you want us to come down and give input to tell you how we feel about a gas station across the street. And I'd be happy to go get them because they want to do that. So all I'm saying is please listen to the community and stop making it about them and us. It's not about... It's all of us. It's working together with Tom Lewis. It's working together with Hudson Headwater and Jonathan Lapper and anybody else that's here. We just want you to listen to us.

Mr. Weick - Amen.

(Applause)

Mr. Miller - As far as architectural goes, does anybody on the board have any input on that?

Mr. Healy - You going to start with me or you going to start...?

Mr. Miller - Sure. Art, we'll start with you.

Mr. Healy - Alright. Well, as far as I'm concerned, maybe Stewart's can come up with some designs and we can take a look at 'em. Other than what they have now.

(Applause)

Mr. Lewis - Can I address that?

Mr. Miller - Yep.

Mr. Lewis - (Inaudible) case anyone asks. At the bottom is what we were asked for.

Mr. Miller - Who asked you?

Mr. Lewis - Shale asked us.

Mr. Miller - I made a suggestion.

Mr. Lewis - That was his suggestion and, and we listened.

Mr. Healy - One member of the board made a suggestion. Okay. Thank you.

Mr. Lewis - And what I'd love to do is a Mansard roof, and that's not going to happen and we're hoping that the Board is happy with something (inaudible) one other store like it that has that.

Mr. Healy - I've already said what I wanted to say.

(Tape inaudible).

Mr. Lewis - Just something new we've been working on.

Mrs. Trimbur - (Inaudible) more architectural interest actually than the (inaudible) proposed.

(Tape inaudible; people talking at once).

Mr. Weick - ...in Vermont, there's no canopy.

Mrs. Danna - No canopy.

Mr. Weick - The Manchester, Vermont store, there's no canopy.

Mrs. Trimbur - I know that.

Mr. Weick - So why can't we have that?

Mr. Lewis - 'Cause it rains and snows here.

Mr. Weick - It rains and snows in Vermont, Mr. Lewis.

Mrs. Danna - Do we have a picture of the Manchester, Vermont Stewart's?

Mr. Miller - I don't believe we have one right now.

Mrs. Danna - (Inaudible), I believe.

Mr. Miller - Just a practical question - what is the code for the covers? Why isn't there one in, in Manchester and there are everywhere else.

Mrs. Trimbur - The Town wouldn't allow it.

(Tape inaudible; people talking at once).

Mr. Miller - It's not the Town. It's the State, isn't it?

(Tape inaudible).

Mr. Miller - It is the Town? Chris?

(Tape inaudible).

Mr. Miller - With the canopy, you're saying it's... It's not a town code?

Mr. Lewis - It is a town code. Manchester has...

Mr. Miller - Oh no, no, no. I meant here? I mean New York State, why the canopies... Most canopies have fire extinguishers and everything in them.

Mr. Lewis - Yeah.

Mr. Miller - Is that code mandated?

Mrs. Trimbur - That you have a canopy...

Mr. Miller - Yeah.

Mrs. Trimbur - Absolutely not.

(Tape inaudible).

Mr. Miller - Right.

Mrs. Trimbur - It's going to be pretty ugly. The State does mandate the fire suppression system.

Mr. Miller - Which is hidden in the canopy.

Mrs. Trimbur - Yes.

Mrs. Ferullo - I (inaudible) disagree. I just feel. I mean, why (inaudible). That means that (inaudible) make Jack Toney moves his and Cumberland Farms. I mean...

(Tape inaudible; people talking at once).

Mr. Weick - ...historic site in a historic district in a residential neighborhood (inaudible) from a residence.

Mr. Miller - Actually Jack Toney's building is in an historic district.

Unknown speaker - But it was constructed before the historic district.

Mr. Miller - But it is in the historic district.

Mr. Weick - But it was the constructed before.

Mr. Miller - Was it reconstructed during that time?

(Tape inaudible; people talking at once).

Mr. Miller - That's relatively new.

Mrs. Potter - Yep. Yeah, the canopy's new.

Mr. Miller - But nobody was...

Mr. Healy - Route 9 was...

Mr. Miller - ...screaming about that.

(Tape inaudible).

Mr. Lalone - (Inaudible).

Mr. Miller - The number of gas pumps what generated that, just the size of lots.

Mrs. Trimbur - The size of lots (inaudible) business just to get the traffic flowing. Now you're going to have back-ups if you have less (inaudible; other people talking).

Mr. Miller - You offering the flex, the flex fuel too? Do you guys offer flex fuel?

Mrs. Trimbur - No.

Mr. Miller - No.

Mr. Lewis - And that's the same thing that, Cumberland has four, Jack Toney, I believe, has four.

Mrs. Potter - You have eight pumping stations?

Mr. Lewis - We have the (inaudible).

Mrs. Potter - They have (inaudible) stations to pump from?

(Tape inaudible; people talking at once).

Mrs. Moore - My thought on the details, I would much prefer something white or with siding appearance. The Dryvet, it bothers me. Sorry. But that's just, that's just my personal opinion.

Mrs. Frasier - What about the community? It's always about you, what you think.

Mrs. Moore - But I'm part of the community, aren't I?

Ms. Frasier - Well so are we.

(Tape inaudible).

Mrs. Moore - We've been appointed by the Town Board to represent the entire community and you have an opportunity...

(Tape inaudible; several people talking).

Mrs. Moore - And you have had the opportunity to speak and the public hearing is still open if you wish to offer up, offer you opinion, and Shale has asked you to.

(Tape inaudible).

Ms. Harrington - (Inaudible).

Ms. Whalen - There's a Stewart's right on Route 9...

Mr. Healy - Wait a minute. Wait a minute.

Ms. Whalen - Sorry.

Mr. Healy - One at a time.

Ms. Harrington - Linda Harrington. I live on 3882 Main Street, right next to Jack. Jack's my landlord. We are talking about what's good for the whole community. All I'm hearing here is what's good for this one little block of historical district. What about the rest of the community. Stewart's has been here... I remember Stewart's when my uncle was the Manager and it was across the street. I was probably five or six years old. Got my first Stewart's ice cream cone there. I remember when it moved across the street and I worked there for three years after I got out of college and I couldn't find a teaching job. Stewart's has always been community oriented. They've, I've sat here tonight and listened to all the concessions they're willing to make for us to make this work. If Stewart's doesn't go in there, what is? It's commercial now. You're going to... At least with Stewart's, as they said, we know what we're getting. They're a great, community oriented company. You're not going to do better at somebody giving you concessions and helping it make look better for the neighborhood. They're going to increase jobs. We need all the jobs that we can get in this community. There are no more manufacturing jobs around here. You can be a logger or you can be, work in the retail and the tourist end of it. And the bed and breakfasts, ya know, yeah, it is, a residential neighborhood, but every one of those residentials, except two or three have a business in them. I don't know if you change what the house looks like inside. I don't know if it's still historically the same, but we have to look to the future. This is 2010. We can't go back to 1800's and, and not go forward. As this young man over here said, things are changing tremendously in the world and if you don't move forward with small little detail like this, how are you ever going to look at the future in a big way. How many of your sons and daughters have moved out of this town 'cause they can't find jobs. Mine is one and he's dying to get back up into this area and ya know, and if the jobs come, then he can come. But you have to look at the whole town and not just your one little block. You guys are, ya know...

Mr. Lalone - Can you keep your comments to site plan review (inaudible) hear that all night for everybody else.

Ms. Harrington - (Inaudible).

Mr. Hill - Mr. Chairman?

Mr. Miller - Yeah.

Mr. Hill - I'm sorry. Before there's anymore comment, Ms. Moore made a comment earlier to respect to the siding and I'm not sure that, that that was clearly understood in the record and I was hoping that she could expand on that. I think if I, if I understood correctly, she was suggesting that the applicant consider using a clapboard type siding, a white wood type siding.

Mrs. Moore - Appearance.

Mr. Hill - That would be similar to what would be on a residential house. Is that what you're suggesting?

Mr. Healy - On the building?

Mrs. Moore - On the building.

(Tape inaudible).

Mr. Miller - Right, which, which it has the appearance of, of..

Mr. Hill - Cement board, fiber cement type siding, but clapboard type siding would be similar to..

Mr. Miller - (Inaudible). The cement board is nice because it's durable and it's, it's long-lasting. Similar to vinyl. Actually a little more..

Mr. Lewis - If that's what the board wants. We are trying to work with you.

Mr. Miller - Hm hm.

Mr. Lewis - In every aspect.

Mr. Healy - So are we. We're trying to work with you too.

Mr. Lewis - I know you are.

Ms. Whalen - I'd just like to revisit that question about the number of gas pumps. There's a Stewart's right in downtown Glens Falls across from Travelers Insurance, and they have two. It's a brick building, and there's actually a canopy that comes out from it with pillars and there are the two pumps and there's plenty of parking on either side. Also, I, I've been noticing Stewart's in many other towns and when they're actually in the downtown area, they don't even necessarily have gas pumps. But in any event, I was just hoping that we could maybe revisit that, the number of pumps.

Mr. Weick - Ms. Whalen, is it correct that the current Stewart's is in the historical district?

Ms. Whalen - No, it's not. No.

Mr. Miller - I never said that.

Mr. Weick - I thought you did. I'm sorry.

Mr. Miller - No, I said the current Jacob's and Toney's is in a historic district.

Mr. Weick - Oh, I'm sorry.

Mrs. Danna - I have a comment. I'm not sure if you all saw this photo of the McDonald's in Freeport, but I would love to see the store itself be a replica of the Cunningham house that was there, with the gas pumps probably not there, but if they were there behind

the house, with a very small wooden sign, like they have here at this gas station, and I would like to see the house wood and just fit right in the neighborhood.

Mr. Miller - I think their sign is about that size.

Mrs. Danna - And just a nice looking, small, low sign rather than a big high sign.

Mr. Miller - We keep getting back to the number of gas pumps. What is your feeling on that?

(Tape inaudible).

Mr. Miller - Connection of the two, of the canopy and a building itself and incorporating that into the structure similar to some of the other designs that have been out there. I don't know if maybe that needs to be...

Mrs. Trimbur - That's a circulation issue. I think it would be very bad (inaudible).

(Tape inaudible).

Mr. Miller - With the pillars.

Mrs. Moore - With the pillars. With the gas pump islands, is there anything to do with the, the columns. Right now they're square? Have you ever seen anybody do any residential features or other architectural columns for that? Other than... Your, the Lake George one is...

Mrs. Trimbur - What do you have in mind?

Mrs. Moore - I don't know.

Mr. Miller - Something maybe similar to what's on the building. Just in taller, ya know, round, same top, same bottom.

Mrs. Trimbur - We'll take a look at it.

(Inaudible).

Mr. Weick - Is there an elevation that shows what their sign (inaudible).

Mr. Healy - What, 10 feet?

Mrs. Moore - 12 feet.

Mr. Healy - 12?

Mr. Miller - It is 8 feet long, 4 feet tall and 12 feet high.

Mr. Weick - 12 feet high?

Mr. Healy - Yes.

Mr. Weick - And (inaudible) have internal lighting?

Mr. Miller - It has a digital readout, right?

Mrs. Trimbur - Yes.

Mr. Weick - Because some references have been made to Grand Union and Subway across the street, but their sign is wooden and externally lighted with the (inaudible) lights shining down, and not a big visual internally lit sign.

Mr. Miller - Actually, the, no, no. It, the only digital part of it is the price of gas.

Mr. Weick - Right. That's what I'm saying is that the (inaudible) Grand Union sign.



Mr. Miller - But they don't sell gas. They don't have a daily item. I mean, they're trying to advertise the cost of gas. The sign itself, is that lit from the ground?

Mrs. Trimbur - No, inside.

Mr. Miller - Oh, it is inside. Okay.

Mr. Weick -and I'm just saying that the Grand Union is being used as a comparison for the site and the allow-ability of a gas station there and their sign can't be a wooden sign, externally lit, the way that the Grand Union, and the Manchester, Vermont store (inaudible).

Mr. Miller - Would you guys consider a wooden sign?

Mrs. Trimbur - We would really like to have (inaudible).

Mr. Miller - Well, I think the digital thing goes without saying, but as far as it being illuminated from the interior, ya know, like a, have a painted sign with the lights from above, decorative lighting coming down on it.

Mrs. Trimbur - We could do that, but the digital portion of that is going to look like it's misplaced.

Mr. Belden - I should also add that our code doesn't ask, doesn't, doesn't require what Mr. Weick is asking.

Mr. Miller - Right. I know. We're trying to...

Mr. Belden - I know. I know. (Inaudible).

Mr. Lewis - It's really not a very large sign.

Mrs. Danna - Can I show you an example of a wooden sign, a wooden gas sign with a little lit here and this is a beautiful stone gas station.

Mr. Miller - Okay. That has manual letters.

Mr. Weick - Yeah.

Mrs. Danna - Yeah.

Mr. Miller - Well...

Mrs. Danna - And it makes it fit beautifully into the historic (inaudible).

Mr. Miller - The problem with, the problem that I have with manual letters is they, they deteriorate over time and they...

Mrs. Danna - So then buy some (inaudible).

Mr. Miller - Well, they fall off and they, I just... The digital sign, to me, makes more sense, but the wooden sign itself is good.

Mr. Healy - I know what they look like. I'm 70 years old. I know what they look like.

Mrs. Danna - Okay.

Mrs. Moore - I personally don't have a problem with this sign. I, signs that are externally lit, I heard public comments in the past that indicate when they're externally lit, they also cause indirect glare that's unexpected and ya know, it's not. Ya know, it looks...

Mr. Lewis - It's not a big sign.

Mr. Miller - No, I, I agree with the size and it's within code.

Mr. Lewis - We've got two signs. If you look around, there's so many new businesses that have three and four signs. (Inaudible) try to be (inaudible).

Mr. Lapper - (Inaudible) canopy signs are typical (inaudible).

Mr. Miller - Right.

Mrs. Ferullo - Can you just tell me where is the historical district, from where to where? I thought I saw it in the paper, but I don't remember where it is.

Mr. Lewis - I have a map. I'll show you.

Mr. Belden - It stretches down from the Judd Bridge, I believe, on the river side street, of, of the river. It stretches along, I think, down Richards and also down Richard Street. It extends up..

Mr. Ferullo - Is it up from Main Street... Just Main Street, from where to where?

Mr. Belden - I believe from Richards to the intersection up here where Hudson is. It goes up to I think First Street and then goes out towards Echo Lake, but it's just kind of piecemeal.

(Tape inaudible).

Mr. Lewis - Put this up here. Little green line here, that's us. All this is historical. All this is Jack Toney's place, and it ends just on the other side of (inaudible). This area here and then it goes down over by the school.

Mr. Weick - The parcel is entirely in the historic district?

Mr. Lewis - That's correct.

(Tape inaudible).

Mr. Cooper - Excuse me. Gary Cooper, we're talking about signage. That's very nice, but I do recall when I moving LeCount Real Estate up to 3819 Main Street, I have a three foot by ten foot illuminated light and the Board did not recommend me having that light lit past 9:00 at night because of the B & B across the street. It would interfere. So I do believe if anybody want to FOIL that, you can find out that the illuminated light there was going to be infringing on the B & B across the street.

(Tape inaudible).

(Applause).

Mr. Healy - Bill's is across the street, ain't it?

Mr. Miller - Yeah.

Mr. Belden - If, if I could just add; the sign will not be facing across the street. It'll be facing north and south.

Mr. Miller - Right.

(Tape inaudible).

Mr. Miller - Well, again, it is lit, but it doesn't project light. (Tape inaudible).

Mrs. Fruda - Could I ask a question? Could the Stewart's moving there set a precedence so that Cumberland Farms could move across from the other Bed and Breakfasts uptown? It's commercial. Could they not do this if..

Mr. Miller - Which lot? I understand what you're talking about.

Mrs. Fruda - Well, like where the post office property, that property, I believe the owner died, but it was left, I'm sure who it was left to.

Mr. Miller - Behind the post office.

(Tape inaudible).

Mrs. Fruda - Well, there's, there's front... Well, I'm just saying supposing, supposing they decide to sell, that could become another service station. Are we not setting a precedent?

Mr. Miller - Well, like, it is a commercial zone. Correct? Up there.

Mrs. Corlew - Right.

Mr. Belden - Hamlet Commercial zone.

Mr. Miller - In those zones, it is allowed use. Are we saying that that's going to happen? No.

Mrs. Fruda - But it could happen?

Mr. Miller - A lot of things can happen.

Mrs. Fruda - I mean, you couldn't say no to them if they decided to build up there.

Mr. Miller - Right.

Mrs. Fruda - Because Stewart's and Cumberland Farms are noted to be very competitive.

Mr. Miller - This action will not set a precedent for that. That's precedent's already set.

Mrs. Fruda - Oh, then they could?

Mr. Miller - Yeah.

Mrs. Fruda - Okay.

Mr. Miller - There's a lot of other locations where Stewart's could have gone. They could've gone up to the QVN parking lot or in those areas, but for their aspect of it, I'm sure they have their reasons why they want to be there and not up there. I don't know. They didn't choose to buy that piece of property. Just like they didn't choose to buy the Potter's property, for whatever reason. So we, we're talking about this piece of property and this site plan review.

(Tape inaudible).

Ms. Whalen - (Inaudible) couldn't that be something that you could recommend because it would be a more appropriate...

Mr. Miller - We already have.

Ms. Whalen - ...location.

Mr. Miller - We have already.

Mr. Danna - So why? Ya know, we've heard a lot of reasons for not doing certain things, and reasons for doing other things, and I'm naïve. I'll admit it. Why, why are we not looking at a property that is perfect for (inaudible).

Mr. Miller - Tom, do you want to address this?

Mr. Danna - I don't understand it. I really don't.

Mr. Miller - We'll let Mr. Lewis address that.

Mr. Lewis - If we had bought the Potter's (inaudible) which at one time we had a contract. The depth of that lot is a 110 feet. The in, the internal circulation which is the biggest difficult where we are now, this is three times deeper at the short point. The internal circulation is so much better here and we're willing to go where there's 2,400 cars less a day because we know we're going to lose a certain amount of business because of that. Ya know somebody even said to me, you're on the wrong side of the road now. You're better off on the other side of the road. And they may, and they may well be right but we're willing to trade off as, as so frequently happens, you gotta look at the different balances. On the Potter's lot we had 23 parking spaces. Here we have 38 parking spaces. It's, it's just a substantially better lot and we believe that in terms of the whole community, that we are giving our customers a substantially safer lot than this one. We're paying a lot more here than we would've there. So, ya know, (inaudible) issue.

(Tape inaudible).

Mr. Gilchrist - The Potter's lot, in addition to the current Stewart's lot is 1.13 acres. The lot that they're proposing to use is 1.16 acres, but it's got the former post office there which occupies I can't remember how many square feet. The Potter's lot plus the current Stewart's lot would offer a lot more space than this lot with the post office building intact.

Mrs. Danna - It also has the beautiful mural, which would be great for picnic tables right there, by the mural.

(Tape inaudible).

Mrs. Potter - Ya know, Mr. Lewis, you keep mentioning the internal circulation and all the extra parking and all the extra things. That's exactly what I'm afraid of. If you have all this easy circulation and you got all these extra cars coming in and around and you got this extra parking space, it's, it's going to bring more people in there and I just don't think that our area, our little street can handle that kind of stuff. And, and first thing, I, I admit, I'm selfish, I don't want activity on that street until midnight and starting at 5:00 in the morning. Granted when they have snow, one plow goes across there, takes four, five seconds. I may hear it. But that's it. But it's not a big lot and the other thing is, usually by 8:00 at night, I could probably stand out in the middle of my street, if I wanted to, and no, and never a car would hit me. It starts, you get the traffic in and out for school and stuff like that, but it's very a quiet, peaceful little area and you're going to get a lot, a lot of traffic, a lot in there if you have all this opportunity (inaudible).

Mr. Belden - I would like to speak to the point that the Board is here to review this site plan... Ya know, the Town has no authority

in deciding where Stewart's located their building. They're here solely for conditions of this site plan at this location. Not any other location and that's, that's really, that, that's it. I mean... I mean, I think what the Planning Board has asked for the public to do is to, if you have any concerns about what's being proposed, if you want to give them suggestions to materials, things like that (inaudible), but to talk about relocating this building, I don't think that's a matter of discussion right now.

Mr. Weick - Okay, going along with what you said there, Mr. Belden, then would it be correct that the Planning Board here has the authority to say to Stewart's, you cannot have the exit on Elm Street nor can you have the entrance and exit on Stewart Farrar. You must be limited to Main Street as their current store is. Could the Planning Board not tell them that? As part of the site review?  
Mr. Belden - I believe that they do have the authority to do that, but...

Mr. Weick - As part of the site review, correct?

Mr. Belden - It is, but...

Mr. Weick - So I would submit...

Mr. Belden - ...that's up to the Planning Board to make that determination.

Mr. Weick - Okay. Well, I would submit to the Board that they should consider removing the exit on Elm Street and also the entrance and exit on Stewart Farrar, as currently, those are primarily residential streets and do not need more traffic from a Stewart's.

(Applause)

Mrs. Ferullo - I just have a couple of questions. First of all, if, if Stewart's didn't relocate there and you did put some housing there, why wouldn't there be any cars going in and out of that housing. I don't understand that.

Mr. Weick - All day, everyday?

Mrs. Ferullo - Well, if people live there...

Mr. Weick - That's what a convenience (inaudible).

Mrs. Ferullo - Excuse, I'm not addressing it to you. These are my questions, okay. Why would the, there not be any people going in and out. So anybody who will live there will only remain there? They can't bring their cars in or out? My other concern is people are saying why don't they go up above where the post office was, okay? Does that mean that everybody that's here against it going here would not care what's going in the rest of the town? Where's your interest..?

Unknown speaker - (Inaudible) farther out.

Mrs. Ferullo - So, so you don't care how the people up there feel when, when they put it that beautiful, that beautiful garage up there, that is a complete asset to this community, it is outstanding, the structure, the architecture, everything, they have

neighbors right across the street. They have neighbors right behind them. I have a friend (inaudible) hears is the grinders and the this and the that in his back yard. You're not going to hear grinders and that. I'm not saying that I... Dottie had asked how would people feel if it was in my, if I lived on Main Street, I really, I talked to my husband about it and he said well, I wouldn't want it and I said, well, ya know, if I'm Main Street, that's the hub of the town. That's where the things happen. That, that's where that's, when you go on Main Street, American, that's where things are.

Unknown speaker - She's not on Main Street.

(Tape inaudible).

Mrs. Ferullo - Well, it is on Main Street. That, this is...

Unknown speaker - The in and out.

Mrs. Ferullo - No, I'm just talking... I'm talking about... Wait a second. I'm not talking about the entrances. I'm talking Stewart's in general. If it's someplace else, everybody here wouldn't care, but because it's there, in a historical area where it is zoned for this, it, you're upset about it. Yet when that garage went up, nobody here was there in reference to what that might do to the neighborhood. So it seems a little one-sided here. I'm not saying... If Stewart's doesn't go there, then who else is going to go there and it may be even worse, and where's your battle then? I mean, they're trying everything in their power... First it's, (inaudible) in their power to camouflage this and as far as the woman across the street from Traveler's, I was there today, 'cause my husband went to rehabilitation and I took a walk. The lines were backed up, out of the parking lot. People were waiting because they only two pumps. So their, their idea of cutting down the pumps isn't going to stop... It's going to stop the back-up because people are going to be able to move in and out completely. It's not so they're going to be going onto Main Street or onto to the other road to get in and to get out. And they've already explained why they can't be down there, because that's where their first choice was. So we're going in a vicious circle here.

Mr. Danna - Can I make a...? Ya know, I like historic houses, but for me, it's personally safety, and the first time I spoke and you folks weren't here at that time, but ya know, I mentioned the safety factor. I was concerned about the children, the location of the school, the library. That to me is most important. Yeah, ya know, it's nice having a historic home, but honestly, ya know, Diane's right when those ball games are in place, I mean, sometimes I get, ya know, I can't get in my driveway. I got to find out who parked and, ya know, okay, who's got the red truck 'cause I got to get in my driveway because it's that's crowded. I'm concerned about the safety. And when Shane talks about the traffic patterns, it's about safety. Yes, a beautiful community; I feel bad for Ms. Potter and

anyone else that lives directly across from this potential site, but it's about safety. And I go back to Potter's because that's safe. We know that's safe. This is unsafe. So ma'am, it's not about my special part of the community being, ya know, perfect. It's...

Mrs. Ferullo - Well (inaudible) other communities where they cannot afford to have crossing guards.

Mr. Danna - Hm hm.

Mrs. Ferullo - They also have what they call "volunteers".

Unknown speaker - That's true.

Mrs. Ferullo - And there's people that go out there and help during the day when the kid are going... I was at Stewart's the other day and to me, crossing the road, it was, it was a hazard. So I mean, no matter you go, you have to pay attention to what you're doing, whether you're the driver or you're the pedestrian. (Inaudible) sidewalk. I'm a pedestrian and I've got the right-of-way and I'm going to jet out in front of this car. Doesn't happen (inaudible).

Mr. Danna - 7 year olds don't always follow the rules.

Mr. Miller - Well, your 7 year old shouldn't be walking to school by themselves.

Mrs. Danna - But they are.

Unknown speaker - They are.

Mr. Danna - You know that, but not all parents know that.

Mrs. Danna - We've seen kindergartners are walking and biking to school (inaudible).

(Tape inaudible).

Mr. Healy - I did it.

Mr. Miller - I did it too but I don't think I was seven.

Mr. Healy - A lot farther than that too.

Mr. Miller - Anyway. Okay...

Mrs. Fruda - Ruth Fruda speaking again and I would just like to make a comment regarding..

(Tape inaudible).

Mrs. Fruda - ...what Kathy said in her response. In the Comprehensive Plan, when they did a survey two years ago, one of the greatest needs in our community was senior housing. If they would put middle income, not low income, not high in the sky condos, but middle income housing on that parcel of land, many people like Regina Porter, who longer can drive. She, she would love to have an apartment, a nice apartment. So would many of the people that would, if you build senior housing there. And it could be two story, I think, perhaps with an elevator, because seniors, many of them cannot find stairs. Then in that case, there, a lot of 'em would not even have vehicles. And even so, they'd be cars; not trucks.

Mrs. Ferullo - Well, ya know, Ruth. You were mentioning before about the empty houses on Main Street. Those could be very easily

turned into senior housing. That would be perfect and beautiful homes.

Mrs. Fruda - Where is that?

Mrs. Ferullo - You said before (inaudible) before that there's a lot of empty houses...

Mrs. Fruda - Yeah, but they have stairs.

(Tape inaudible).

Mr. Miller - Alright, folks, we're getting off track here. Would you like to speak?

Mrs. Porter - I'm the person, I'm Regina Porter.

Mr. Miller - Hm hm.

Mrs. Porter - And I do agree that we have no middle class senior housing in this town and that would be a lovely location for it.

Mr. Miller - I agree we need that and I, if that was what was, was in front of us tonight, I'd be overjoyed, believe me. But it's not.

This is, this is what's in front of us, and I don't think that's going to change 'cause we can't tell Hudson Headwaters that you can't sell your property to Stewart's. We can't say that.

Stewart's has every right to buy that property, whether they use it or not. That's, that's their thing. We can't say that. That's not our power. We have a application in front of us; that's what we're dealing with tonight. So I appreciate your, your speaking, but we have to stay on track.

Mrs. Porter - Well, it's I think a lot of people turned out here and a lot of people voiced their opinion.

Mr. Miller - Hm hm.

Mrs. Porter - And I voiced mine. (Inaudible). I know that if people want to do something, they can find a way. So that if the, if the feeling in the town was to provide this housing so that we don't get shipped off to the concentration camps for the elderly, these adult communities, but there is not the motivation here on this Board (inaudible). We're not too far from the (inaudible) custom of putting their old people on an ice flow and pushing it out (inaudible).

Mr. Miller - Thank you.

Mr. Gilchrist - Can I address the couple comments here. The one by Chris Belden and another was just me, that the Town can't tell Stewart's what to buy or what not to buy. The Town, if there's a problem, the Planning Board has the authority to mitigate it, to do what it can to mitigate it. The Planning Board also has the authority and you exercised it three months ago to declare what uses could be made of that property. You chose to eliminate half a dozen uses, but you didn't eliminate gas stations. You could have. You could've eliminated convenience store and gas stations, so I'm, I'm disputing any comments that the Planning Board doesn't have any authority to mitigate or even to essentially prohibit...



Mr. Miller - Well, I agree. We have the, we have the authority to do that. We don't have the authority to tell somebody they can't buy a piece of property.

Mr. Gilchrist - No, but you could, you could encourage them to buy, in the terms of... In terms of mitigation, you could create a situation that would encourage them to buy somewhere else. Now as I understand the contract, they don't close unless everything's all cleared. I, I never read the contract, but that's my understanding. I think that's the general understanding. So if they were not permitted or the restrictions were such that they couldn't, wouldn't want to, wouldn't want to do it, then they would have to go somewhere else or, or stay where they are or buy Potter's or buy some other place. The comment that was made about the lot above the post office, that was made as a negative comment. That wasn't, whoever made that comment was not proposing that that would be okay. That was a negative comment. That was a negative...

Mr. Miller - I understand that. My answer to it was, it is an allowed use up there.

Mrs. Potter - Hm hm.

MR. Miller - I mean, I don't know. I could go on for hours on this, but, and we already have.

(Tape inaudible).

Ms. Whalen - Just to back up...

Mr. Miller - This gentleman would like to speak, right here.

Mr. Goettsche - I apologize. Doug Goettsche from the Cornerstone Victorian. I have the bed and breakfast up the street and I work until 9:30 so I don't know what was addressed, what was said today. But I just feel I need to say something. I think it's a very dangerous precedent that the Town took, what was a professional business area to encroach on the residential. I realize we're discussing site plan review tonight. My, I guess, recommendation would be, is that, that outlet onto Elm would be stopped. That you would say no, and also the one on Stewart Farrar. There is a church there I don't know how many hundreds of years. But that is for, that's primarily residential. I bought on Main Street knowing I would have commercial property, so I realize what can happen in commercial properties, but people that live on Elm, people that have lived on (inaudible) Stewart Farrar, Mrs. Potter, ya know, being 50 years. They thought it was going to residents. Now granted the front part is commercial. I understand that. But I would say that the site plan review to at least cut off that exit onto Elm and to Stewart Farrar. I mean, people that come to church need a place to park, parking is needed there. So at a minimum, I would say let's keep that, ya know, only exit onto Main Street. That would be my one comment.

Mr. Miller - Thank you.

(Applause)

(SIDE B OF TAPE TWO CAME TO AND END)

Mrs. Moore - Applicant has said that they would consider which sort of makes it difficult in reference to review because we don't know exactly what the information will... We understand that they'll consider it and those three things are considering changing removing the siding on the post office and putting up Dryvet. They said they would consider that. Second thing they would consider was cement board siding versus Dryvet matching more of the, the neighborhood area of the church and the bed and breakfast. And then the third one was considering columns on the gas pumps. (inaudible) 'cause they don't know how it would look. So..

Mr. Miller - Got that Tom?

Mr. Lewis - Yeah, I got that.

Mrs. Moore - Yes.

Mr. Lewis - Got it. So, if the Board's willing to consider a vote this evening you can make it contingent on the Board being satisfied 'cause I've shown you what we can do on those three items only. (Inaudible) it limits it to that, those, those issues. We're confident that we can come up with something that'll be acceptable to the Board, (inaudible) vote.

Mr. Miller - One of the things, Tom, that was brought up when you were, the second time, when you were out of the room there a moment ago was the, the ingress the egress on Elm and Stewart Farrar. Is there any other considerations as far as Main Street is concerned or..

Mr. Lewis - No, we looked seriously at that. The side doesn't work as well. We have to have those entrances. (Inaudible) does not work without those entrances. The exiting out to Elm would be a very minimal amount.

Mr. Lalone - In your opinion it doesn't work. Did you hire a traffic study to be done that way?

Mr. Lewis - I know factually that if you do away with those (inaudible) it will not work. We've done this before.

Mr. Lalone - So we're here to trust you and what Stewart's has done in the past?

Mr. Lewis - (Inaudible) that can answer that (inaudible).

Mrs. Newell - I think they should answer it.

(Tape inaudible; people talking at once).

Mrs. Newell - I think there's enough voicing of extreme concern for the inordinate number of things you have to pay attention to as a driver let alone as a walker or a bike rider and that's if all your faculties are really working well. We have, we have lots of people who've spoken that, ya know, are elders, have issues, are children with handicaps, etcetera. If you have all your faculties about you, you still have like fifteen different things to pay attention to depending which way you want to walk or drive on one, two, three, four, five, six, seven, eight possible turns with all due respect to our engineer.

(Applause).

(Tape inaudible; people talking at once).

Mrs. Danna - I'd like to make a...

(Tape inaudible; people talking at once).

Mrs. Danna - I'd like to make a suggestion. Your vote could also be contingent on just your approval of the, of the plan of the building of the whole... I mean it doesn't have to be just those three things that Mr. Lewis suggested. You guys are in control here, ya know, so you could vote but say contingent on approving the architecture, approving changing the design or like I really agree with Mr. Healy, show us some different things you could do. Maybe even some different designs, some different layouts. It doesn't, you don't have to vote tonight.

(Applause).

Mrs. Newell - I think that there should be a look at what kinds of real traffic control devices are gonna be needed if this were to be approved, certainly a traffic light and I think you mentioned push buttons to cross the street, something that does not exist in that area whatsoever. So, I'm not, I didn't quite catch all of what you said about that, but that might be something we're going to need.

Mr. Lewis - I'd like to remind the Board again that both the professionals and the State DOT and the County DOT have no difficulties with any of those up there and in fact the letter from the State acknowledged that the threshold to even require this kind of a traffic (inaudible) was not met. But, as a courtesy they said we'll review it, and we agree with everything that was done by a traffic engineer.

Mr. Weick - Paul Weick again. I'd like to, the Board to consider the fact that neither Mr. Lewis nor the traffic engineer who has spoken tonight actually live here or drive these roads every day, and the people that the Board has heard from tonight who live on these streets are saying this intersection is a problem, a big problem, both for drivers and pedestrians. And, to have more entrances and exits, egresses I guess you call them, on these two streets is just going to make the matter worse. So, you can have the traffic studies which didn't include the Milton Street bridge reopening, and you can have engineers and professionals and New York State, who's down in Albany, say this, but the Board has before it tonight people who live here, who drive this every day, who walk this every day, who say this is a problem, this is not right, and I would ask the Board to consider that before making a decision.

Ms. Whalen - I've spoken with Mark Kennedy down in Schenectady. He's the traffic engineer for Region 1 for the DOT. And, it was really sad to hear, to hear him say that sort of is one of the reasons that they stamped that plan no problem is the Town has no problem. So, and, and then they were just referring to the Route 9 corridor and not, not Stewart Farrar, not Elm Street because that has

to do with the County. So I guess if nobody has a problem, ya know, I mean you can just keep passing the buck back and forth, but like Paul just said, and we all know there is a problem, there is a real traffic problem there, and it's not gonna get any better. It's certainly not gonna improve when the bridge opens, when Woolen Mill bridge reopens. Uh, so, anyway, and I think all of us within the town, not just that area, but the entire town know this.

Ms. Cimino - I just want to address a few of the comments that were made about the need for other traffic control devices. If you put a traffic signal in, a turn lane in, any of those devices there's actual criteria and warrants that have to be met to do that that have to do with volume, number of pedestrians, number of accidents. There's, there's a list of them that the State and the County would need to, ya know, you have to meet that criteria. You can't just have a certain amount of volume. The volumes that are at these intersections don't even come close to meeting those warrants. I understand the people that live here feel that there's a tremendous amount of traffic, but again the State would have requested us to look at those warrants. They know. They w... didn't even request a detailed study. They know, I mean we know that they're not there. If the need was there we would have done the warrant. We do warrants on hundreds of projects. It's just the volumes aren't there to need it so you can't just put a signal up. You can't just create new traffic control devices, the same with pedestrians. To have a mid-block crossing with an actual pedestrian signal there has to be a substantial amount of, of traffic, and those, ya know, warrants wouldn't be met either.

Mrs. Moore - Close the public hearing?

Mr. Healy - Let's close the public hearing.

Mr. Miller - Yeah, okay, I'm going to close the public hearing now and we're...

Mrs. Moore - I'll make that motion.

Mr. Miller - We're gonna discuss.

Mr. Spatz - I'll second.

Unknown speaker - Can I make one more comment?

Mr. Miller - No. We're done. All those in favor?

## **RESOLUTION #2010-20**

Motion by: Laura Moore

Seconded by: David Spatz

**RESOLVED**, to close the public hearing for application SPR 2010-4, by Stewart's Shops Corporation, for tax map #211.13-1-39, located at 3827 Main Street, for site plan review to allow convenience store with gas pumps.

**DULY ADOPTED THIS 8<sup>TH</sup> DAY OF JUNE, 2010 BY THE FOLLOWING VOTE:**

Ayes: Laura Moore, Shale Miller, Art Healy, David Spatz, Danielle Robichaud

Nays: None

Mr. Miller - Before we go, we talked about drafting a resolution.

Mrs. Moore - Hm hm.

Mr. Miller - And then coming back on the 15<sup>th</sup>, I think (inaudible).

Mrs. Moore - Okay. I'll quickly go through these items again and then I'll, I'll address an opportunity that the Board has in reference to making a motion. I'll go back through, one was bike racks as proposed. Two was additional landscaping at corner as proposed. Three, benches at Main Street. Okay, four, any uses with the post office will be subject to site plan. Five, two restrooms. Six, with a changing re... or sorry, contingent upon Board satisfaction of changing the post office siding to Dryvet. Same with the following...

Mr. Miller - Or dry board.

Mrs. Moore - Or dry, dry board for the post office. And then number seven is contingent upon Board satisfaction of cement board siding or some other comparable material versus Dryvet on the building itself. Eight, lights off a... as half hour after closing and half hour before opening for safety of the employees. Nine, post office to be office use only. Ten, sorry, old Stewart's gas station to no longer be a gas station and gas tanks will be removed. And eleven, applicant contingent upon satisfaction of the Board that columns on the gas pump islands. So those are all the items that we've identified. Anything else?

Mr. Healy - I'd like to see different designs submitted.

Mrs. Moore - Different...

Mr. Healy - Building designs.

(Applause).

Mrs. Moore - Actual building designs?

(Tape inaudible).

Mr. Lapper - Facade of the building?

Mrs. Moore - The...

Mr. Miller - Yeah, building facade.

Mr. Lapper - Building facade.

Mr. Healy - Yes.

Mrs. Moore - Not the actual shape of the building.

Mr. Healy - Building designs. I don't know how else to put it.

Mr. Lapper - What does he need?

Mrs. Moore - We need...

Mr. Miller - Architectural...

Mr. Healy - Yeah.

Mr. Miller - Views of the building, whether it's siding or different gables or...

Mr. Healy - I want to see what they could do better than this.  
Mr. Lapper - That facade?  
Mr. Miller - Yeah.  
Mrs. Moore - Okay.  
Mr. Healy - Maybe the lawyer could help us out.  
Mrs. Moore - Well let me continue...  
Mr. Healy - Okay.  
Mrs. Moore - I think I understand what you're saying. The Board does have an opportunity to discuss this with the, the, the attorney to table this application and request assistance from the town attorney to prepare a draft resolution in reference to this application. And then we would vote on it on a secondary day. But you're also asking for information from the applicant to be prepared so...  
Mr. Lewis - I'm sure we could get you that. (Inaudible).  
Mr. Healy - Myself I'm not ready to vote on this today.  
Mrs. Moore - Okay.  
Mr. Healy - I'd like, I know we have a regular meeting next week which would be in the seven days.  
Mrs. Corlew - We don't have.  
Mr. Healy - We have a regular meeting.  
Mr. Belden - There's nothing on the agenda.  
Mr. Healy - Well good. We got somethin' now.  
Mr. Belden - (Inaudible) hold a special meeting.  
Mr. Healy - Why would it be special?  
Mr. Miller - 'Cause we, this is the, we changed the date to here. That's why.  
Mr. Healy - To a regu... This is a regular meeting?  
Mr. Miller - This is our regular meeting now.  
Mr. Healy - Well let's have a special meeting then.  
(Applause).  
Mrs. Moore - So...  
Mr. Lalone - Is the Board gonna take into consideration the gas pumps, the...  
Unknown speaker - The public hearing's closed.  
Mr. Lalone - (Inaudible) places of egress...  
Mr. Miller - Yes.  
Mr. Lalone - Which (inaudible) mentioned.  
Mr. Miller - The public hearing is closed.  
Mr. Healy - The public hearing's closed.  
Mr. Miller - We are considering these things.  
Mr. Lalone - Well she didn't list those off so (inaudible).  
Unknown speaker - She's not done yet.  
(Tape inaudible).  
Mrs. Moore - It's a tough one. Okay. The motion, I'm gonna say it as a draft, I'm not gonna say it as a motion, but to table the request, to table the application to request the town attorney to

prepare a resolution based on the consensus of the Board for a either an approval or a disapproval of the application and something... Am I missing something?

Mr. Miller - (Inaudible). Go ahead (inaudible).

Mr. Hill - Before...

Mrs. Moore - Hm hm.

Mr. Hill - And thank you for suggesting a, a resolution and starting to make your motion, but I, I think that in listening to the discussion among the Board it sounds as if, or at least to me, that there is, that the Board is seeking, at least with respect to some items, some additional information and some confirmation with respect to some questions. I don't know based on your discussion it doesn't seem as though the Board is settled on a particular design and that more information is being sought with respect to a proposed design or facade of the building. It seems that that would be an important piece of information for you to have. It, it may be prudent for you to gain the additional information from the Board and decide amongst yourselves on what seems acceptable and pin that down a bit better than it is right now. Right now it seems like you've got a lot of variables and need additional information on a number of different items and are trying to get confirmation with respect to a few other items too. Maybe the applicant could provide that information for a future meeting, a meeting at a later date.

Mr. Miller - He has a question. Tom.

Mr. Lewis - Yeah two questions. This, this architecture has, maybe I'll ask Mr. Healy, has the Board considered that standard design (inaudible). Do you find that (inaudible)?

Mr. Miller - I personally don't have a problem with the current design myself. It's just my personal opinion, but we're open to other sug...

Mr. Lewis - You do or you don't?

Mr. Miller - I don't have a problem with it the way it is right now, but I think that the town and other members of the Board want to see some alternates.

Mr. Lewis - On the three items you had mentioned (inaudible), would you be able to give us some direction as to what is it that you're looking for so we could try to address this. Is there something we can do now (inaudible) on the columns.

Mr. Miller - Yeah, I think I can do it real quick...

Mrs. Moore - Yeah.

Mr. Miller - ...I think. The canopy, anything you can do on the canopy to make it more attractive and more in tune with the building that you're going to do and the surrounding buildings.

Mr. Lewis - Is that one (inaudible)?

Mr. Miller - Yes. The building itself, anything that you can do to make the architecture more appealing, more historical to the neighborhood. That may require whoever is doing this design to view

the neighborhood and view and come up with ideas and also and actually with your approval and, and what fits your budget, but any attempt that you can make to make the building more attractive, more historical looking..

Mr. Lewis - Architecturally.

Mr. Miller - ...right, architecturally.

Mr. Lewis - The third item was...

Mr. Miller - Oh, just the materials.

Mr. Lewis - ...the columns.

Mr. Miller - The columns for the, for the...

Mr. Lewis - Okay.

Mr. Miller - ...for the canopy. That goes hand in hand with the archi...

(Inaudible).

Mr. Miller - ...right.

Mrs. Moore - Right. The only oth... The other one was in reference to the post office, and I think we've, I think we've settled it. I don't think that's a, an issue. You said you would consider removing the siding and replace that with Dryvet. I don't, so it may not be a...

(Inaudible).

Mrs. Moore - ...be (inaudible) doing it so...

Mr. Lewis - That's another yes. That's not a...

Mrs. Moore - Right. That's a yes. So it's two things in reference to style. (Inaudible)

Mr. Lewis - The canopy and the building.

Mr. Miller and Mrs. Moore - Yes.

Mr. Healy - Then they could, they could build anything they want. They're a 1.2 billion outfit.

(Inaudible - people speaking at once).

Mrs. Moore - I (inaudible) with the town attorney is it, so, because of some of the comments that we have identified it would be difficult to draft a resolution or can we sort of piece, give you enough information to begin preparing something for the Board to review. How would you suggest that we move forward on something like that?

Mr. Hill - At, at this point I think I would suggest that you get the additional information before you have us start doing a draft of any kind of draft resolution for you.

(Applause).

Mrs. Moore - Okay.

Mr. Lewis - (Inaudible) the Board I (inaudible) discuss how I'll be (inaudible) for us to get, to get these.

Mr. Miller - Hm hm.

Mr. Lewis - Can we have a meeting in three weeks from today on the 29<sup>th</sup>? We think it'll take that long to...

Mr. Miller - Okay.



Unknown speaker - How long do you think until we get a new (inaudible)?

(Inaudible).

Mrs. Moore - Okay.

Mr. Miller - Yeah, as far as, I don't know, I think that can be...

Mr. Lewis - (Inaudible).

Mr. Miller - ...waived a little bit don't, doesn't everybody agree with that.

Mr. Hill - I'm sorry.

Mr. Miller - The ten day prior submittal time for that architectural... I mean if we, if they bring it to the meeting, if they can send it to us a day before...

Unknown speaker - Sure.

Mr. Miller - I'm fine with that. It gives me plenty of time to look at it.

Unknown speaker - (Inaudible) it'd be hard to make (inaudible).

Mr. Miller - Right. Yeah, that's gonna be difficult. You want to try keep it in the month.

Mr. Lewis - (Inaudible).

Mr. Miller - Patti? You okay?

Mrs. Corlew - As long as you... No, not really.

(Laughter).

Mrs. Corlew - As long as you guys don't mind getting it at the last minute.

Mr. Miller - No. I don't. Do, would you guys mind?

Mrs. Moore - Okay.

Mr. Healy - (inaudible).

Unknown speaker - So on those two issues, canopy and building.

Mrs. Moore - Yes.

Mr. Hill - Mr. Chairman.

Mr. Miller - Yep.

Mr. Hill - If, since the applicant's gonna be submitting some additional information, my recommendation to you, you just closed your public hearing...

Mr. Miller - Hm hm.

Mr. Hill - I think I would ask you to reconsider the closing of the public hearing and suggest that you continue the public hearing until the next meeting so that the public can comment on any additional information that's submitted, and for that reason if Stewart's can submit the additional information somewhat ahead of your, your meeting rather than on the meeting date or the date, the day immediately before, with a copy to the town, would allow the public to see what was being submitted so that they would be better able to make their comments with respect to whatever additional information is submitted. I would also suggest that as far as additional comments that the Board ask the public to confine any additional comments to the new material that's submitted. You've taken

extensive public comment with regard to a lot of other aspects of the, of the project and the, any, any additional public comment can be focused on whatever the additional information is if submitted.

Mr. Miller - Okay. As far as the dates and times, I can't really see the calendar there... We talked about the 29<sup>th</sup> and having to have something in prior to that. If we said...

Unknown speaker - (Inaudible) those in the 24<sup>th</sup>?

Mr. Miller - Yeah.

(Inaudible - people talking at once).

Mr. Healy - Trouble is we don't know if the hall's available.

(Inaudible - people talking at once).

Mr. Lewis - I mean it wasn't even on the table.

Mr. Miller - Right. Yeah, I think if, if you had it in by the 24<sup>th</sup> that would give the public time to come in on those two days and the one day prior to gather that information.

Unknown speaker - I can get that to you before the meeting.

Mr. Miller - Yeah.

(Inaudible).

Mr. Miller - If we can come get it yeah or I can, I can have it picked up. There's no need to mail it as far as I'm concerned. I don't know if anybody else, can everybody else get in. Art, you think you can make it in the town hall and get that?

Mr. Healy - I don't know if I can. I'll try though.

Mrs. Moore - So, I guess...

Mr. Miller - So, I'll make a... Can I get a motion to reopen the public hearing for the next meeting and we are going to take... Well, let's take care of that first.

Unknown speaker - (Inaudible).

Mr. Miller - Right.

Mr. Healy - Is the hall available?

Mrs. Moore - All right. I will make a motion to reopen the public hearing on this application.

Mr. Spatz - I'll second.

Mr. Miller - Seconds? All those in favor?

## **RESOLUTION #2010-21**

Motion by: Laura Moore

Seconded by: David Spatz

**RESOLVED**, to reopen the public hearing for application SPR 2010-4, by Stewart's Shops Corporation, for tax map #211.13-1-39, located at 3827 Main Street, for site plan review to allow convenience store with gas pumps.

**DULY ADOPTED THIS 8<sup>TH</sup> DAY OF JUNE, 2010 BY THE FOLLOWING VOTE:**

Ayes: Laura Moore, Shale Miller, Art Healy, David Spatz, Danielle Robichaud

Nays: None

Mr. Miller - Restricted to those architectural items that we're discussing.

(Inaudible).

Mr. Miller - Right.

Unknown speaker - What time?

Mr. Miller - 7:00, the normal time. Okay? Is that (inaudible) you want to do.

Unknown speaker - 6:30.

Mr. Miller - 6:30?

Unknown speakers - Yeah.

Mr. Miller - Okay.

Mr. Healy - What day you want?

Mr. Miller - It would be the 29<sup>th</sup>.

Unknown speaker - Tuesday, the 29<sup>th</sup>.

Mr. Miller - June 29<sup>th</sup>. Yep.

Mrs. Moore - So, I'm just gonna, I understand that we wish to table the application so June 29 so the applicant has an opportunity to address the issues of the gas island pumps and the building.

Unknown speaker - Architectural.

Mrs. Moore - Architectural.

Mr. Hill - I think you said pumps. Were you referring to the canopy?

Mrs. Moore - The, the gas island.

Mr. Miller - Right.

Mrs. Moore - The gas...

Mr. Hill - The gas island, the canopy.

Mrs. Moore - Yeah, the canopy, that thing. So that am I right?

Mr. Miller - Yes.

Mrs. Moore - Okay. So I'll make a motion to table the application so the applicant has an opportunity to address the Board's...

(People speaking at once).

Mr. Miller - Excuse me people. Can you please just bear with us for five minutes?

Mrs. Moore - Okay. Motion to table the application so the applicant has an opportunity to provide the Board with information on the gas island pumps area as well as the building and architectural information.

Mr. Hill - And then it's also a motion to continue the public hearing for the next meeting for that purpose right?

Mr. Miller - Right. Right.

Mrs. Moore - Yes.

Mr. Miller - Yep. And you will submit by the Thursday, the 24<sup>th</sup>.

Mr. Healy - I second it.

Mr. Miller - Okay. Let's see what else we got here. That's it right?  
Mrs. Moore - You need an all in favors.  
Mr. Miller - Oh, all in favor?

**RESOLUTION #2010-22**

Motion by: Laura Moore  
Seconded by: Art Healy

**RESOLVED**, that the Planning Board table application SPR 2010-4, by Stewart's Shops Corporation, for tax map #211.13-1-39, located at 3827 Main Street, to June 29<sup>th</sup>, 2010 so the applicant can provide the Board with information on the gas island pumps area, the building and architectural information and to keep the public hearing open to June 29<sup>th</sup> at 6:30 p.m.

**DULY ADOPTED THIS 8<sup>TH</sup> DAY OF JUNE, 2010 BY THE FOLLOWING VOTE:**

Ayes: Laura Moore, Shale Miller, Art Healy, David Spatz, Danielle Robichaud

Nays: None

Mr. Miller - All right, communications none, comments none.  
(Inaudible).

Mr. Miller - We did that already. In the very beginning, long, long time ago. Okay, can I get a motion to adjourn?

Mrs. Moore - I make a motion.

Mr. Miller - Second it?

Mr. Healy - I second.

Mr. Miller - All those in favor?

**Motion by Laura Moore, seconded by Art Healy and carried to adjourn  
Planning Board meeting of June 8, 2010 at 11:10 p.m.**

Respectfully submitted,

Patti Corlew  
Recording Secretary

pb06082010

**RESOLUTION #2010-16**

Motion by: Art Healy  
Seconded by: David Spatz

**RESOLVED**, to approve Planning Board minutes of May 18, 2010 (without correction).

Ayes: David Spatz, Laura Moore, Shale Miller, Danielle Robichaud,  
Art Healy  
Nays: None

**RESOLUTION #2010-17**

Motion by: Laura Moore  
Seconded by: Art Healy

**RESOLVED**, to deem application SUB #2010-2 by Tony Stein/Echo Lake Camp, Inc., for tax map #210.1-1-15 for a two lot subdivision as having a negative declaration under SEQRA review.

Ayes: David Spatz, Laura Moore, Shale Miller, Danielle Robichaud,  
Art Healy  
Nays: None

**RESOLUTION #2010-18**

Motion by: David Spatz  
Seconded by: Laura Moore

**RESOLVED**, to close the Public Hearing for application SUB #2010-2 by Tony Stein/Echo Lake Camp, Inc., for tax map #210.1-1-15 for a two lot subdivision.

Ayes: David Spatz, Laura Moore, Shale Miller, Danielle Robichaud,  
Art Healy  
Nays: None

**RESOLUTION #2010-19**

Motion by: Laura Moore  
Seconded by: David Spatz

**RESOLVED**, to approve application SUB #2010-2 by Tony Stein/Echo Lake Camp, Inc., for tax map #210.1-1-15 located at 231 Hudson Street, for a two lot subdivision.

Ayes: David Spatz, Laura Moore, Shale Miller, Danielle Robichaud,  
Art Healy  
Nays: None

**RESOLUTION #2010-20**

Motion by: Laura Moore  
Seconded by: David Spatz

**RESOLVED**, to close the public hearing for application SPR 2010-4, by Stewart's Shops Corporation, for tax map #211.13-1-39, located at 3827 Main Street, for site plan review to allow convenience store with gas pumps.

**DULY ADOPTED THIS 8<sup>TH</sup> DAY OF JUNE, 2010 BY THE FOLLOWING VOTE:**

Ayes: Laura Moore, Shale Miller, Art Healy, David Spatz,  
Danielle Robichaud  
Nays: None

**RESOLUTION #2010-21**

Motion by: Laura Moore  
Seconded by: David Spatz

**RESOLVED**, to reopen the public hearing for application SPR 2010-4, by Stewart's Shops Corporation, for tax map #211.13-1-39, located at 3827 Main Street, for site plan review to allow convenience store with gas pumps.

**DULY ADOPTED THIS 8<sup>TH</sup> DAY OF JUNE, 2010 BY THE FOLLOWING VOTE:**

Ayes: Laura Moore, Shale Miller, Art Healy, David Spatz,  
Danielle Robichaud  
Nays: None

**RESOLUTION #2010-22**

Motion by: Laura Moore

Seconded by: Art Healy

**RESOLVED**, that the Planning Board table application SPR 2010-4, by Stewart's Shops Corporation, for tax map #211.13-1-39, located at 3827 Main Street, to June 29<sup>th</sup>, 2010 so the applicant can provide the Board with information on the gas island pumps area, the building and architectural information and to keep the public hearing open to June 29<sup>th</sup> at 6:30 p.m.

**DULY ADOPTED THIS 8<sup>TH</sup> DAY OF JUNE, 2010 BY THE FOLLOWING VOTE:**

Ayes: Laura Moore, Shale Miller, Art Healy, David Spatz,  
Danielle Robichaud

Nays: None