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ZONING BOARD OF APPEALS

February 17, 2015

Present: Michael Dudick, Chairman, Denise Bagramian, Michael Bloss, Chris Lemire,
Jennifer Vucetic

Also Present: Joel Peller, ZBA Counsel
Steve Myers, Director, Building & Zoning

Absent: Mario Fantini, Randy Gifford, Jerry Cifor

Mr. Dudick called the meeting at 7:10 p.m.

PLEDGE OF ALLEGIANCE

Mr. Dudick informed the applicants this is a seven member board with one alternate. Tonight all members are present, including the alternate. To receive approval, an application one must receive 4 yea votes regardless of the number of members present. There are five voting members present tonight so the applicant must receive four out of five votes for approval. The applicant was offered the opportunity to defer if he wished, until another meeting when there may be more voting members present.

OLD BUSINESS

NEW BUSINESS

The secretary read the legal notice as it appeared in the Daily Gazette on February 12, 2015

An application from Stewart's Shops Corp for variances for redevelopment of 1529 Crescent Road to replace existing facility with same. Variances required:

- 1) **Section 208-38C (80' front setback required) Proposed=29'; Variance required = 51'**
 - 2) **Section 208-38C (80' canopy front setback required) Proposed =18'; Variance required =62'**
 - 3) **Section 208-98 (130' bldg. front setback from centerline of Crescent required) Proposed = 97'; Variance required =33'**
 - 4) **Section 208-98 (130' canopy front setback from centerline of Crescent required) Proposed = 77'; Variance required = 53'**
 - 5) **Section 171 Table 1 (15' setback from property line required for freestanding sign) Proposed=10'; Variance required = 5'**
 - 6) **Section 208-7 (Convenience store allows no more than 4 sets of pumps or 12 nozzles) Proposal appears to show 6 sets of pumps and 12 nozzles. Variance required**
- Property is located at 1529 Crescent Road, Clifton Park, NY 12019 (Permit #81009)**

The application was presented by Chad Fowler, representing Stewarts Shops. He discussed their plans to replace the existing store, previous location of King Fuels. He referred to their previous attempt to build at another site across from the Sunoco station. He informed the current site is an existing convenience store that has two gas pumps under a canopy and three pumps outside the canopy. He said the site is odd shaped, being 313' long and 136' in depth which makes it limiting as far as buildable area, pointing out that the building and canopy now are outside that area. He explained the buildable area varies from 30' to 50' and 250' wide. Their proposal is to build a new store of 3900square feet. He alluded to their application for the store on Sitterly Road, which has a drive around and multiple canopies, but that is not possible at this site. They are making changes with the building moving closer to the road and deliveries farther away. They are showing the pumps 5' closer to the road and adding four dispensers. The entrances are staying where they are but narrowing them to 30' which is still doable with a tractor trailer.

He continued: the gas dispensers are as shown with a patio closer to the road to give it an aesthetic feel. He pointed out the two separate setbacks.

Mr. Lemire asked the size of the current building. Mr. Fowler was not sure.

Mr. Peller questioned Mr. Myers, asking if there are any current variances on the property.

Mr. Myers answered the building pre-dates the code and he has found no variances on the property but he knows the interior has been modified several times. There is no information about the original structure. He said it is a 3600 – 3700 square foot structure.

Mr. Fowler discussed the need to increase the variance setback for the sign, from 5' to 10' due to the location and because of a row of trees. He said the existing sign is actually off the property, explaining they pushed the sign back as far as they could and their sign will be 38' off the curve of the road. He asserted it is 20' further back than the existing sign but it still doesn't meet the setbacks.

Mr. Lemire asked Mr. Fowler the property line location. Mr. Dudick commented it raises the variance from 5' to 10' and asked Mr. Myers if that is a significant change to merit re-notification. Mr. Myers opined he did not think so.

Mr. Fowler referred to the six dispensers, informing one will have diesel fuel. He explained they make half their sales inside the store vs outside and that is why there is no parking in front of the store. Stewarts treats their pumps as parking spaces, as people will buy gas and leave the car in the space and come in the store. He said they don't anticipate an increase in traffic and they need to increase the parking spaces this way.

Mrs. Vucetic asked if they will be creating addition curb cuts and was told no. Mr. Myers commented they would be narrowing what they have.

Mr. Fowler informed Clough Harbor created a trip generation assessment which indicated there are 16,000 cars per day. Mr. Myers reminded this is a Planning issue. Mr. Fowler continued: the report shows there will be one additional primary trip every six minutes with the conclusion there will be no significant impact on traffic.

Mr. Peller questioned where the proposed underground tanks will be located and if the cars will drive over them. Mr. Fowler referred to the plot plan stating the tanks will be under a concrete pad positioned where the tankers will not affect the flow of traffic on the site while fueling.

Mr. Lemire asked the distance from the front to the back of the existing store. Mr. Fowler estimated it is around 50'. Mr. Myers commented it is 50' and 70' across the front.

Mr. Lemire suggested they turn the building to face the road so they would not need the centerline variance. Mr. Fowler pointed out that if they did that, there would be no room for parking spaces in front of the store.

Mr. Peller questioned if the building will have more than one tenant. Mr. Fowler answered it is a stand-alone Stewarts only.

Mr. Dudick questioned why they want six pumps, and not just four, asking Mr. Myers the rationale for the town code of having four pumps.

Mr. Myers answered he can't explain the reason for the code but there must have been some reason for it in the past. He pointed out the Sitterly Road Stewarts has twelve pumps. Mr. Fowler explained it has six dispensers but two canopies to split them up

Mr. Dudick asked if the code might be for fire safety issues and Mr. Myers said "not with the existing technology today." He commented on the code, saying the four and twelve don't make sense to him because four sets of pumps gives you eight nozzles and six sets gives you twelve; the code allows twelve nozzles but only four pumps, so the math does not work.

Mr. Dudick questioned if there might be less traffic congestion at the pumps with twelve nozzles than with eight. Mr. Fowler affirmed that the "flow of traffic is the key".

Mr. Bloss asked if there was any consideration of going with four pumps so they could move the canopy back to reduce the variance. Mr. Fowler informed that six pumps is the break-even for a gas station and repeated that Sitterly Road Stewarts has six pumps. He said twenty years ago they used to put in two pumps, then went to four and now need to go to six.

Mr. Bloss pointed out the Stewarts on Sitterly has the six pumps but they are divided between two canopies. Mr. Fowler said they would like to do that here, but there is no room.

Mr. Lemire referred to the code, saying it is four pumps or twelve nozzles and asked about diesel nozzles.

Mr. Fowler informed that their diesel nozzles make it fourteen nozzles because the diesel nozzle is separate, explaining the two pumps with diesel would be three plus one. Discussion ensued about how the nozzles are used. Mr. Myers suggested the code needs updating.

Mr. Dudick inquired whether there will be charging stations and Mr. Fowler answered “not yet”.

Mr. Peller advised the application needs to be amended to six pumps and fourteen nozzles.

Mr. Myers opined this is a good re-use of the site and will be an improvement over the way it is now and it is consolidated for only one use.

Mr. Dudick asked if this is a swapping of sites and inquired about the ownership of the Stewarts across from the Sunoco. Mr. Fowler responded Stewarts owns that property and will close the store and rent or sell it. He advised they are under contract for the property they are discussing and purchase is pending Zoning Board approval. Mr. Myers told the board Stewarts does not have full Planning Board approval at this time but they have seen the plans.

Mr. Peller requested Mr. Fowler obtain signed documentation from the owner of the property indicating that Stewarts (Mr. Fowler) is authorized to seek variances for it. Mr. Fowler agreed.

Mr. Lemire asked Mr. Fowler to explain the use of the large area on north portion of the lot. Mr. Fowler informed the area is for truck deliveries to the rear and side door. He explained they have several kinds of trucks, some of which have three temperature areas.

Mr. Lemire inquired whether the building could be moved further north. Mr. Fowler explained moving it to the north would not give enough room to make deliveries which put out a ramp from the truck to the side door. He said the blacktop is about 35-40' from the wall. As a frame of reference, he stated it is 40' between the canopy and the parking spaces. He said they will have the staff park in the back unless there is a delivery coming in.

Mr. Dudick suggested moving the pavement closer to the property line and Mr. Fowler countered that when the building moves, everything else moves. He said it is a pinch point and if you rotate the building, the trucks will have a problem getting in.

Mr. Myers commented this is just a re-configuration of the existing property and for that reason, he doesn't have a big issue with it.

Mr. Dudick noted there is no public present and made the motion to close the public hearing. Mrs. Vucetic seconded. All approved. Public hearing closed.

Mr. Bloss made the motion to approve the application with the variance changes 1) to the freestanding sign setback from 5' to 10' and 2) the change of number of nozzles from 12 to 14. Mr. Dudick added the stipulation that signed authorization of the owner of the property must be submitted to Mr. Myers within four weeks.

Mrs. Vucetic seconded the motion.

Mr. Dudick summarized: this project is cleaning up and beautification and re-alignment of an existing site which will be more pleasing to the eye and more compliant with zoning because the sign will be on the property.

He reminded the applicant needs four of the five votes.

Ayes: Bagramian, Dudick, Vucetic, Bloss Noes: Lemire
Amended application approved with stipulation.

Approval of the February 3, 2015 meeting minutes was deferred to the next meeting. Mr. Dudick had not been present for the majority of that meeting and abstained from voting. Vote for approval postponed until March 3, 2015 meeting.

Next meeting is March 3, 2015

Mr. Dudick made the motion to close the meeting, seconded by Mrs. Bagramian. All approved. Meeting adjourned at 7:55 pm.

Approval of the minutes for February 17, 2015 was deferred to the March 3 meeting due to insufficient number of board members who had been present at that meeting.

The next meeting is March 3, 2015.

Mr. Dudick made the motion to adjourn. The motion was seconded by Mrs. Bagramian. The meeting was adjourned at 7:55 pm.

Respectfully Submitted,

Susan White
Secretary

cc: Town Clerk, Town Board, Town Attorney, Zoning Board Members, Joel Peller, Counsel,

Zoning Board Minutes, February 17, 2015

Steve Myers, Department of Building and Development, _____, ECC, Assessor, Highway