

1 TOWN OF SCHODACK COUNTY OF RENSSELAER

2 PLANNING BOARD

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4 STEWART'S SHOPS

5 US 9 & 20 AND SUNSET ROAD

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7 THE STENOGRAPHIC MINUTES of the above entitled
8 PUBLIC HEARING by NANCY L. STRANG, a Shorthand Reporter,
on April 1, 2019 at 7:00 p.m. at Town Hall, 265 Schuuman
9 Road, Castleton-On-Hudson, New York 12033

10 BOARD MEMBERS:

11 Denise Mayrer, Chairperson
Wayne Johnson
12 Andrew Aubin
John LaVoie
13 James Shaughnessy
Lawrence D'Angelo
14

15 ALSO PRESENT:

Nadine Fuda, Director of Planning and Zoning
16 Craig Crist, Esq., Counsel to the Planning Board
Dan Edwards
17 Melissa Knights, Planning and Zoning Secretary
Richard Laberge, PE
18 Charles Marshall, Stewart's Shops
George Hodgson
19 Lauren Hodgson
Joe Visalli
20 Larry Pulsifer
Dennis Wheeler
21 Margo Singer
Stanley Paddock
22 Diane DiGiorgio
Stephen VanHoose
23 Tom Raymond
Bill Burton
24 Richard Hittenger
Dorothy Gillis
25 Linda Capocefalo

1	Barbara Neiman
	Elizabeth Gable
2	Julie Hahn
	Abby Cash
3	Lawrence Cash
	Tim Kernel
4	Marcy Greer
	Jim Dolan
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1 CHAIRPERSON MAYRER: We are going to read the
2 public notice and then were going to go over to items
3 four and five and get those moved and out of the way so
4 that we can move on to item three, which will take
5 considerable time.

6 MS. FUDA: Please take notice that the Planning
7 Board of the Town of Schodack will conduct a public
8 hearing on Monday, April 1, 2019 at 7:00 p.m. on the
9 following; Site Plan/Special Permit. Stewart's Shops,
10 Proposed Stewart's Shops with gas sales: Location: US 9
11 & 20 and Sunset Road Zoned: HC/R-20 The file is
12 available for review at the Planning Office, Monday
13 through Friday, 8:30 a.m. to 4:00 p.m. Said hearing
14 will be held at the Schodack Town Hall, 265 Schuurman
15 Road, at which time all interested parties will be
16 given an opportunity to be heard.

17 (Whereas the Planning Board went onto address other
18 business on the agenda and recommenced the Stewart's
19 project immediately after.)

20 CHAIRPERSON MAYRER: Is anybody here from
21 Stewart's?

22 MR. MARSHALL: Here.

23 CHAIRPERSON MAYRER: I didn't see you back there.

24 MR. MARSHALL: I hid this time.

25 CHAIRPERSON MAYRER: So, we're going to start the

1 public hearing.

2 There are some ground rules. As you all know,
3 anyone that has participated in a public hearing before
4 - you will be allowed to speak. Please limit your
5 comments to about three minutes so that everyone can
6 speak. We will stay here until everyone has had a chance
7 to speak their mind. We will not adjourn the meeting so
8 as long as it takes, it takes. After that, the members
9 will have their moment to comment. Please address all
10 comments to the Board. We will, in turn, re-address to
11 the applicant. Remember, at all times you have to
12 respect each other with these remarks, no matter how we
13 feel about the project.

14 So, who wants to start? Chuck, you want to start?

15 MR. MARSHALL: I was just going to go through an
16 update from the March 4 plan set and then as I did at
17 the last meeting, I willing to answer any questions -
18 if there are a theme of questions that the Board has,
19 either before or after the public comment period.

20 I literally have three highlights to discuss. One,
21 I didn't forward this to Rich and Nadine. New York State
22 DOT does not support the left turn signals that were
23 previously requested. They commented today via email.
24 One of the items that was raised was the discussion of
25 having dedicated left and right turn lanes out. They do

1 not support that either.

2 So, the access configuration, as shown, with one
3 full access on Sunset and one full access with the
4 two-way left turn lanes - it is what DOT preferred -
5 what the access configuration is and what they will
6 permit.

7 The second thing - and we put this in the comment
8 letter - we went through somewhat arduously about the
9 Laberge comment letter. I think it was number 14
10 regarding the plantings. So, we have updated the
11 planting plan to show an additional 9 or 10 trees. The
12 trees in this corner will remain original (Indicating).

13 We did modified the sidewalk as it terminates on
14 Sunset. Then, the wall was rounded.

15 Sarah Bowman is here from CHA. Christine Lilholt
16 had a conflict, but she made the point so that the wall
17 has been rounded as requested and we are willing to
18 enter into an easement with the Town for maintenance.
19 She made the point and we just have to make sure that's
20 out of the sight line and we will do so accordingly.

21 Sarah is here tonight. She can answer any of the
22 questions that the Board or the public may have
23 regarding the traffic and the supplemented information
24 that was also submitted.

25 With that, I will either leave it to the Board or

1 to the public.

2 CHAIRPERSON MAYRER: Thank you.

3 MR. WHEELER: My name is Dennis Wheeler at 1529
4 Sunset Road. I live right next to this project.

5 I would first like to thank Stewart's for
6 increasing the plantings. That was one of the items I
7 had. My one question is: The standard for planting
8 barriers is 15-gallon plantings. I noticed they have 5
9 gallons which is pretty much a stick. I am wondering if
10 the Board can ask them to increase that to 15 gallons.
11 It would make a little more sense.

12 At the first meeting I brought up the fact that
13 there is a CDTA bus stop in front of this building and I
14 don't see that being addressed in any of the plans. It
15 is used daily by people who work on Miller Road. They
16 cross over and come back. I don't know where the bus
17 stop went.

18 Along with that, with the traffic person here, I
19 have a concern that we should have a crosswalk there
20 because there are going to be more people walking back
21 and forth and since you're changing the traffic light
22 anyway, I would request that they put in a pedestrian
23 button on the traffic light. It would make a lot of
24 sense. It's very difficult to get across as it is and
25 with the new turning lanes it's going to be almost

1 impossible.

2 I would still register my concern about the oil and
3 water separator being so close to my well. I know I have
4 been told that even with those, 20% of the oil still
5 gets into the groundwater. I have a concern about that.

6 That's all I have. Thank you.

7 CHAIRPERSON MAYRER: Thank you.

8 MR.. HITTINGER: Thank you very much.

9 I would like to leave a couple copies of my resume.
10 My name is Richard Gittinger and I reside in Warwick,
11 Rhode Island. My daughter and son-in-law and two
12 grandchildren live at 1523 Sunset Road, which is less
13 than 200 feet from the proposed project.

14 I have spent my entire career from 1979 through
15 2018 when I retired studying environmental impacts and
16 remediating releases to air, ground and water from
17 facilities such as the proposed gas station.

18 I owned and operated an environmental engineering
19 consulting firm doing business in many states, including
20 New York, New Jersey, Connecticut, Rhode Island,
21 Massachusetts, Michigan, California and the US Virgin
22 Islands.

23 I would like to present a brief overview of some of
24 the most important potential impacts of this type of
25 facility and from this particular facility and then give

1 you a bit of an opinion.

2 Releases that can have a negative effect on health
3 on neighboring properties from gas stations include
4 potential releases to groundwater and the release of
5 toxic compounds to the air. Groundwater contamination
6 can result from releases from underground storage tanks,
7 fittings, piping, pumps, as well as from stormwater
8 management systems.

9 Air emissions will come from vapors displaced from
10 customers' cars as they fill their tanks as well as from
11 drips and spills.

12 With the modern tanks and piping proposed for this
13 facility the likelihood of a major release of gasoline
14 is greatly reduced, but not totally eliminated. However,
15 injection of contaminated stormwater into the ground
16 will certainly result from this proposed design. This is
17 because the stormwater management system being proposed
18 including the Downstream Defender is only designed to
19 remove particulate and separate petroleum products and
20 much of the site stormwater will not even go through the
21 Downstream Defender. Even the Downstream Defender will
22 not remove any gasoline or petroleum constituents that
23 are dissolved in water. You can check with the
24 manufacturer or the design engineer. What makes this
25 more problematic is that current gasoline is 10% ethanol

1 and that 10% ethanol formulation encourages dissolution
2 of less soluble and more toxic, components of gasoline
3 into water through a process known as cocyclization. In
4 addition, studies have shown that benzene migrates
5 further and faster in groundwater when the gasoline that
6 was released has 10% ethanol in it. Because of this
7 process, the current design assures that some level of
8 benzene and other compounds washed off the site will be
9 injected in the groundwater. It would be important to
10 have an estimate of the quantity of contaminants that
11 would be injected and an idea of the current groundwater
12 quality as well as groundwater flow, direction and
13 velocity so the impacts of this contamination could be
14 evaluated. Regarding air toxic releases, a wide range of
15 contaminants are present in gasoline and diesel vapors.
16 These vapors are released when vehicles are refueled
17 primarily through displacing of vapors and customers'
18 tanks, but also to the evaporation of miscellaneous
19 drips and spills. Recent studies have shown that these
20 vapors present elevated ambient concentration of benzene
21 much further away from high-volume gasoline stations
22 than previously thought. Elevated concentrations of
23 benzene and other gasoline constituents have been
24 measured repeatedly at distances up to 250 meters.
25 That's roughly 750 feet. PBecause of these potential

1 impacts, it is my opinion that new gasoline dispensing
2 facilities should be located in areas without public or
3 private drinking water wells and as far away from
4 occupied residential structures as possible. The
5 presence of drinking water wells within 1,000 feet of
6 this property makes this property unsuitable as a new
7 gasoline dispensing facility.

8 If the Board still wants to proceed with this
9 proposal, I believe that in order to properly inform and
10 protect your citizens you must at least require that the
11 applicant completes the full Environmental Assessment
12 Form including an evaluation of all potential
13 groundwater and air toxic impacts with a health risk
14 assessment to identify the increased health risks and
15 require that the applicant include a provision that
16 makes public drinking water available to all homes
17 within 1,000 feet of the project. I would be glad to
18 answer any questions or give you any more detail on the
19 topics that I have discussed.

20 I have some references and studies that I discussed
21 here. I made two copies.

22 Thank you very much.

23 CHAIRPERSON MAYRER: Thank you, very much.

24 Who is next?

25 MS. GILLIS: I think with all of that being said -

1 that this nice gentleman had just stated, I think this
2 should be enough for everyone to know that this should
3 be null and void. Just take it off the table. This is
4 detrimental to my being, my daughter's being - which
5 she already has health problems - and pretty much
6 everyone in this room that lives in this area that has
7 well water, which I have as well. It will be
8 detrimental to our health. So, I see no further reason
9 for this to go any further.

10 CHAIRPERSON MAYRER: Well, we are going to listen
11 to everyone.

12 MS. GILLIS: Okay.

13 CHAIRPERSON MAYRER: Thank you

14 MS. GILLIS: Thank you.

15 CHAIRPERSON MAYRER: So, as everyone now knows we
16 have a stenographer. So, you do need to state your name
17 - first name, last name and address so we can get it on
18 the record.

19 MS. CAPOCEFALO: Good evening. My name is Linda
20 Capocefalo. I live at 1304 Partridge Drive, Castleton,
21 New York. I have been a resident here for 20 years. I
22 would like to talk to you this evening about my public
23 safety concerns regarding the intersections of Route 9
24 and 20, Miller Road and Sunset Drive.

25 I have received a FOIL report detailing the

1 accident history for the last five years at this
2 intersection. There have been 24 accidents at this
3 intersection; 16 of them resulting in serious injuries.
4 The accident rate at this intersection is more than
5 twice the average for the intersections in Rensselaer
6 County. The average intersection in Rensselaer County
7 has 2.3 accidents a year where is this intersection has
8 4.8 accidents a year; 16 of these accidents involve
9 left-hand turn lanes; 17 of these accidents occur during
10 daylight hours and dry conditions; 23 of these accidents
11 - the Schodack Police Department has responded to. So,
12 that is a drain on our resources. This is all before the
13 Stewart's Corporation and that will increase the traffic
14 flow.

15 I have been sending emails to DOT and the Laberge
16 Group about my public safety concerns about this
17 intersection. I have been told by DOT that they can only
18 require Stewart's Corporation to meet the industry
19 standard for this intersection.

20 My father was a commercial real estate developer
21 and I know exactly what industry standard means. That
22 means doing the bare minimum.

23 The Planning Board is the public's last line of
24 defense. We are your taxpayers. We are your neighbors.
25 You can require the Stewart's Corporation to go beyond

1 the industry standard, to go beyond the bare minimum and
2 to make this intersection the safest it can be.

3 I would like to see the traffic lights changed.
4 That means they would need to change the loadbearing
5 wall - the loadbearing poll and the loadbearing cable to
6 accommodate the best lights that are on the market
7 today.

8 A good example of an intersection to emulate would
9 be further west on 9 and 20 at the intersection of Hayes
10 Road. The Stewart's Corporation wants this desirable
11 corner precisely because of the traffic flow and the
12 neighborhood that is close by. They have vast resources
13 to go beyond the industry standard and they will recoup
14 their costs with their move within a short time.

15 I would also like to draw your attention to the
16 neighborhood that is one-fourth of a mile away. It is a
17 quarter of a mile away, which is easy walking distance
18 from the proposed Stewart's. This neighborhood includes
19 the roads of Old Miller Road, Isabella Circle and Jenna
20 Lane. I drove through these neighborhoods and I counted
21 three dozen homes before I realized I could not count
22 all the homes in this neighborhood. What I did count is
23 that out of these three dozen homes, 12 of them had
24 swing sets in the backyard and 8 of them has crossed
25 nets in the front yard. To me, this means a lot of

1 children that will find the Stewart's Shops very
2 attractive in the summer and will walk to get their ice
3 cream. This is precisely why the Stewart's Corporation
4 wants this corner.

5 This leads me to my next public safety concern
6 about having Stewart's Corporation install pedestrian
7 crossing lights at 9 and 20. I urge you to have them go
8 beyond the industry-standard into put up public crossing
9 lights before this results and injuries or perhaps a
10 fatality and then the New York State tax payer has to
11 upgrade this intersection.

12 My last concern is Sunset Drive. I see from the
13 updated plan that the Stewart's Corporation has realized
14 that taking an entrance or exit where there are trucks
15 onto Sunset Road is too dangerous. I am assuming that
16 hasn't changed.

17 MR. MARSHALL: It changed.

18 MS. CAPOCEFALO: So, is the Stewart's Corporation
19 taking an entrance and exit with their trucks? In the
20 plan I received they were not going to let their trucks
21 enter or exit. To me, they are making my case for me.
22 Sunset Road is too narrow of a road for anyone with a
23 large truck or recreational vehicle or a weekend boater
24 to take an exit onto Sunset Drive. On paper this seems
25 possible, but once you consider the average snowfall

1 per year in Rensselaer County is 64 inches - so, when
2 you consider their plan, it is without snowbanks and it
3 is without anyone taking a left-hand turn onto Sunset
4 Road at the same time a vehicle is turning onto Sunset
5 Road. It is not possible for them both to fit.

6 Now I would like to talk to you about the school
7 buses that will be entering Sunset Road at the same time
8 as an experienced truck drivers, recreational vehicles
9 or a weekend boater are exiting onto Sunset Road. These
10 schools are Schodack Central Schools, Green Meadow
11 Elementary School, Castleton Elementary School, Holy
12 Spirit School, Maple Hill Junior and Senior High School.
13 All of these schools pick up and drop off children onto
14 Sunset Road two times a day, every day for 180 school
15 days a year. That puts the school bus making a left or
16 right onto Sunset Road 2,160 opportunities for our
17 school buses to be in an accident on Sunset Road.

18 I urge you as the Planning Board to have Stewart's
19 Corporation with its vast resources, go beyond the
20 industry standard and make this intersection safe as it
21 can be. I would like to see pedestrian crossing lights
22 at 9 and 20. I would like to see the entrance and exit
23 on Sunset Road before vehicles and nothing in-tow. I
24 plead with you to have them do this now and not wait for
25 multiple accidents, injuries or fatalities and then put

1 the price of this upgrade onto the New York State
2 taxpayers.

3 For the reasons I have already stated, I believe
4 this design is dangerous, that accidents and injuries
5 will occur here. It is a matter of when and not if. If
6 the Stewart's plan goes through and is adopted by the
7 Planning Board, I would like you to know that along with
8 me and other people protesting this plan, we will file a
9 written notice with the Town and DOT after each such
10 accident and injury. This will make the Town subject to
11 civil liability if there is another similar accident.

12 Thank you very much for your time and your
13 patience.

14 MS. NEIMAN: My name is Barbara Nieman. I feel I
15 have been coming to these meetings the past maybe three
16 or four meetings and with each meeting I feel like you
17 are getting closer and closer to accepting this plan. I
18 don't know how your thinking. So, I'm going to assume
19 because of all the modifications - it just feels like
20 it's getting to where it's going to be.

21 So, the last meeting - I just want to mention that
22 one of the members of the Edwards family - - he said
23 something about the inability to sell the property. I
24 understand that this family has every right to sell the
25 property to whoever they want, but I have not seen ever

1 any for sale signs in front of that property. Have there
2 ever been signs in front of that property? I'm speaking
3 to you, but I'm just getting the reassurance that I'm
4 not crazy. There has never been a for sale sign. So, I
5 don't know how they tried to market it. Yes, they have
6 every right to sell to whoever they want, however it is
7 incumbent on you folks to decide if that's a feasible
8 plan.

9 That building was used as low, low traffic. It was
10 a chiropractic office and the consideration is that it
11 is going to be a supersized Stewart's. What is going to
12 come along with that? A large store, large delivery
13 trucks, large beer trucks and tractor-trailers at that
14 intersection. It will be dangerous. So, we are going
15 from a low use to a very high use.

16 As I see it, Stewart's goal is to capture the
17 traffic at this intersection for their own financial
18 gain. I don't see that it benefits any of us to have
19 that Stewart's at that location. There is no job growth.
20 We're not talking job growth there. What are we talking
21 about? Maybe going from however many employees now down
22 the road because maybe it's bigger and they will have to
23 hire maybe four or five more people. So, there is no job
24 benefit there.

25 The local residents have been coming here and

1 telling me they don't want this. They want a
2 neighborhood. No matter where it's going, whether we are
3 entering or exiting on Sunset or on 9 and 20, it is
4 dangerous. I think the woman who just spoke before Dave
5 with all that information - - I guess the bottom line
6 that I want to make sure that everybody understands here
7 is that this is not for us. This is for Stewart's. They
8 stand to gain - they want to be at that intersection
9 because they want to capture the traffic for their own
10 financial gain. It does nothing for the residents of
11 this Town.

12 CHAIRPERSON MAYRER: Thank you.

13 MR. PADDOCK: Hi, my name is Stanley Paddock. I
14 live in that field over there across the street
15 (Indicating). There is no designation as far as my
16 house or the three entranceways opposing. There is a 30
17 foot minimum entrance ingress/egress. There's a 25 foot
18 minimum and maybe 15 or 18 foot entrance. None of those
19 are shown on the plot there on any of them.

20 We have down Miller Road about 400 and some feet a
21 couple of entrances. We have other entrances shown and
22 other buildings shown. Mine are not shown. I think
23 that's quite odd.

24 I have two concerns. One is: Are there existing
25 laws or any type of rules having to do with putting in

1 entrances/exits in comparison to existing entrances and
2 exits?

3 The other concern is: I would like to at least see
4 where it is in comparison to my house. That would be
5 kind of nice to know.

6 For years I have really been taken back about the
7 incredible brightness of the pump prices. I don't know
8 how many lumens these things are pumping out, but as
9 you're driving down the road they are actually
10 distracting.

11 My concern is that one, being at the intersection
12 and being distracted by it and two, living across the
13 street from it. So, those are my two concerns. I would
14 like to see them addressed in some capacity.

15 I don't know where this large entrance and exit is
16 in comparison to our main driveway for our house. I
17 would like to know. I would just like to see what's
18 going on. I think it's a very odd. How did that happen
19 and why did that happen? Thank you.

20 CHAIRPERSON MAYRER: Thank you.

21 MS. GABLE: Hi, Elizabeth Gable. I have a comment.
22 I do have a question.

23 Given the DOT recommendations that you spoke of,
24 are there trucks going to be now exiting onto Sunset?
25 How are they getting in and out - all the delivery

1 trucks.

2 MR. LABERGE: The last time the applicant was
3 here, they explained that they created a loop around
4 the back of the building and the trucks would be coming
5 in and out of the 9 and 20 entrance.

6 MS. GABLE: I'm not sure I understand, but will
7 the exit on Sunset just be for vehicles for customers?

8 CHAIRPERSON MAYRER: Vehicles.

9 MS. GABLE: One of the things I would like to
10 point out is I have lived here for 30 years now and I
11 come down that road a lot and the depiction of the road
12 on that map makes it almost a straight road. It is not.
13 It is practically an "S". So, it's very deceptive.

14 What the gentleman was saying about when there is
15 snowbanks and stuff - that's going to be very dangerous.

16 Building on what Ms. Neiman said, yes, the Edwards
17 family has every right to sell their home - absolutely.
18 The Town does not have to guarantee that the person or
19 company that buys it is able to do whatever they want.
20 You are not the guarantor of their financial success.
21 Time and time again I have seen the Planning Board act
22 like that.

23 Again, for four or five jobs, we don't need to
24 endanger an entire neighborhood. Again, they have an
25 existing property and it is already all permitted. I

1 don't see where they can improve that one.

2 Thank you.

3 CHAIRPERSON MAYRER: Just a point of
4 clarification: There will be no trucks out onto Sunset
5 because of the sight distance.

6 FROM THE FLOOR: But then you're just putting big
7 trucks out on 9 and 20.

8 CHAIRPERSON MAYRER: Understood.

9 FROM THE FLOOR: Big, massive tractor-trailers.

10 CHAIRPERSON MAYRER: Understood. Thank you.

11 So, we are in a public hearing and people get a
12 chance to talk. So, you talked and somebody else will.
13 You can talk again after everyone has had at least one
14 turn.

15 MS. HAHN: Julie Hahn, 1550 Columbia Turnpike.

16 This is my biggest concern. I am a public educator,
17 retired, but have had my life in public education. My
18 first and foremost job was protecting the children and
19 making sure they had every right to be where they're
20 going to be.

21 As I sit here listening to the increase, the kids
22 coming in for ice cream, the kids possibly crossing this
23 highway - - I wouldn't cross the highway. I am old
24 enough and aware of enough to watch traffic. I don't
25 even like pulling out the vehicle right there near that

1 intersection to head down 20 towards Miller, or even up
2 towards Nassau.

3 My biggest concern is I have learned in the few
4 years that I have lived in this area that there is a
5 motel down the street from me between where my property
6 is now and the original Stewart's that is located there
7 now. This hotel does house a few different transient
8 people in it for short periods of time, but it is in a
9 cycling motion. There is always somebody new and
10 different coming in and out of there. In the past three
11 or four weeks we have had somebody attacked on the
12 property right outside my bedroom window because they
13 were coming down from the motel and it was somebody that
14 resided at that motel for their short stay, as well as
15 somebody standing across the street from my property
16 doing very lewd acts for two days straight before it was
17 reported to the police by a familiar person to our
18 property. My concern is these kids are always coming
19 around and these transient people have this level of
20 offender-ship that we don't want around our children and
21 they're going to be now going down to that Stewart's.
22 Yes, kids can go to Stewart's now where it is at, but
23 they are driven there by their parents. They are not
24 walking the streets which mind you, there are no
25 sidewalks there either. How is that keeping our kids a

1 safe unless this motel is no longer going to house these
2 types of people on a circulating basis for the county.
3 If I had children living with me in my house right now,
4 I wouldn't even let them step outside because I know
5 what walks back and forth in front of my house now, let
6 alone if there is a business there it's going to draw
7 these people in to buy their lotto tickets, buy their
8 cigarettes, to buy their coffee, to buy their milk and
9 to buy their ice. They are on their feet and they are
10 not driving. That is my concern.

11 I'm very concerned for these people here that have
12 the younger children. They are right there. They are
13 there till 10:00 at night during the winter and we know
14 that - it gets dark early which means you have to keep
15 your kids inside all the time. Don't let them go out and
16 play. That's my concern.

17 CHAIRPERSON MAYRER: We have a heightened
18 awareness of that particular concern.

19 MS. HAHN: I don't know how many of these people -
20 - I would let them know as well that there is a major,
21 major concern with that population.

22 CHAIRPERSON MAYRER: We understand. They are on
23 our radar.

24 MS. HAHN: Thank you.

25 MS. HODGESON: Hi, I am Lauren Hodgson. I live two

1 parcels down on Sunset Road. I recently moved here last
2 November with my husband and two young sons from
3 downtown Troy to find a more safe place to live and
4 more space for my boys.

5 I have a lot of concerns about this project, but my
6 primary concern is my health and the safety of my family
7 and my home. So, that's what I will focus on tonight.

8 I've been doing a lot of research on gas stations
9 and their impacts and what I have found is terrifying,
10 frankly. Living near a gas station has a strong
11 correlation with rates of cancer, specifically leukemia
12 from benzene emissions.

13 I'm going to share with you the results of a number
14 of journal articles which I will also submit, so you can
15 look at them for yourself. I was going to dramatically
16 hold them up, but I will just submit them.

17 The first study I have is from Atmospheric
18 Environment. They found "a remarkable increase in cancer
19 for individuals living in the vicinity of gas stations."
20 By their estimation each individual near a gas station
21 will have an increase in cancer rates somewhere between
22 3% and 21%.

23 Another 2009 study from Occupational and
24 Environmental Medicine found a statistically significant
25 association between living near a gas station and

1 childhood leukemia.

2 A third study published in 2004 in Occupational and
3 Environmental Medicine also found an association between
4 child leukemia and houses neighboring gas stations.

5 I want to note that all three of these studies used
6 controls and statistical modeling to eliminate
7 confounding factors like population density, cigarette
8 smoking at home and parental occupation. So, regardless
9 of other factors, living near a gas station increased
10 leukemia rates.

11 There is a lot more research out there that
12 corroborates the same findings, so I will move on.

13 In summary, living near a gas station is associated
14 with increased leukemia rates because of benzene
15 emissions from those gas stations. A recent 2018 study
16 from Science of the Total Environment found that
17 actually benzene released from gas stations is about 10
18 times higher than previously estimated. Those estimates
19 are what has guided setback distances so these
20 researchers suggest that current regulations may not be
21 doing enough to protect the neighbors of gas stations.

22 In this particular study they only looked at modern
23 fully functional gas stations using current technology,
24 including Stage II vapor recovery systems with vacuum
25 assist which is what Stewart's would have in place, as

1 well. Current technology is not effective enough to
2 eliminate the health risks to people living near gas
3 stations.

4 The same researchers found benzene at levels that
5 are known to be harmful to humans at 160 meters away
6 from the pumps. That's 524 feet.

7 So, the Stewart's had similar impact levels which
8 we can expect because they will be using similar
9 technology - then at least 12 single-family homes
10 surrounding this parcel will be subjected to benzene
11 specifically from gas station operations at harmful
12 levels. Stewart's operations would release cancer
13 causing benzene into the air that would travel to
14 neighboring parcels and harm Town residents.

15 A 2012 research study published in Atmospheric
16 Pollution research found benzene at harmful levels 150
17 meters away from a gas station. I'm sure they wanted to
18 corroborate the benzene, but they had a quote; "current
19 legislation has to focus on possible accidents involving
20 fires and leaks into the soil and groundwater, but
21 attention should also be given to the omissions in the
22 atmosphere."

23 Gas stations have a significant and adverse change
24 to the existing air quality. Locating them this close to
25 residents is dangerous and a direct threat to the health

1 of those residents. As far as I can tell from meeting
2 minute notes in the entire file on this project, the
3 Planning Board and Stewart's have not addressed the air
4 pollution that will be coming off of this site and
5 drifting into the neighboring parcels. I think that's a
6 massive oversight to ignore the very real and measurable
7 pollutants in the direct impacts to the established
8 residential neighborhood that this parcel abuts.
9 Unfortunately, air pollution is not the only threat to
10 our health. Stewart's would also be releasing runoff
11 from their site into the groundwater. I find it
12 extraordinarily callous that you would allow a gas
13 station in such close distance to residences that rely
14 on drinking water wells. Most of the setback distances
15 and this plan, including the space between stormwater,
16 holding ponds and private wells is at the absolute
17 minimum. Frankly, there is not enough evaluation to
18 determine that the bare minimum is enough to protect our
19 drinking water supply. This Board has not looked at the
20 current groundwater levels, flows or current
21 contamination rates. The environmental analysis for this
22 project has been lackluster and incomplete. Neighboring
23 properties have no other source of water except for
24 wells that pull from the groundwater.

25 A study by the state of Maine's Department of

1 Environmental Protection found that the average distance
2 traveled by released gasoline range organics into the
3 groundwater was 295 feet. There are multiple private
4 drinking water wells within 295 feet from this site's
5 stormwater holding ponds. Our drinking water is at
6 serious risk for contamination because unfortunately
7 spills happen and accidents happen. But let's say they
8 never will at the site. Even if they don't, the
9 Downstream Defender does not filter out all of the
10 contaminants before runoff is released into the ground.
11 Per their own determination, their system only reliably
12 eliminates 80% of contaminants. It does not stop
13 everything from entering the groundwater. It's not even
14 designed to collect dissolved contaminants such as
15 benzene, ethylbenzene and toluene which are especially a
16 problem because ethanol gasoline makes these and other
17 compounds more soluble in water.

18 Additionally, the stormwater management plan
19 submitted by Stewart's shows that Storm Tech MC 4500
20 subsurface stormwater detention system - - the system
21 allows runoff to be placed into the ground beneath the
22 surface of the parking lot, thus eliminating the need
23 for additional stormwater holding ponds. As per what I
24 see in these plans, the system is being used to inject
25 runoff from the areas surrounding the gasoline pumps

1 without any prior filtration. The runoff from the feed
2 to gasoline pumps has the option to divert into a
3 smaller pipe that meets the Downstream Defender, but the
4 larger of these two outflow pipes goes to the Storm Tech
5 MC 4500. The system provides no filtration whatsoever to
6 remove or mitigate the contaminants from any of the
7 tripped or spilled gasoline from directly entering our
8 groundwater. This is completely unacceptable in an area
9 where private wells are in where our Town aquifer is
10 located. Runoff from beneath gasoline pumps should not
11 be allowed to go and directly flow and filter into the
12 ground water at this site under any circumstances.

13 I'm not asking you to ban gas stations from the
14 Town of Schodack. What I'm asking you to do is to follow
15 our own Town's laws and ensure the future development of
16 gas stations is safe for the residents.

17 The Town of Schodack recognizes the unique threats
18 that come along with gas stations. This is why a Town
19 prohibits these types of distances within 200 feet from
20 many schools, churches, hospitals or gathering places of
21 more than 50 people. I'm not sure why my children who
22 spend the majority of their time at home are not offered
23 some more protections. This is why a special permit is
24 required and why we are all here tonight.

25 One of the very first things listed under special

1 permit guidelines is: "in approving or disapproving any
2 special permit use, the Planning Board shall take into
3 consideration the public health, safety and general
4 welfare, the comfort and convenience of the public in
5 general and that of the residents of the immediate
6 neighborhood in particular."

7 This is not a safe plan for this neighborhood.
8 Stewart's proposed site will have an immediate negative
9 impact on the health of this residential neighborhood
10 with regular operations. By design, Stewart's will be
11 releasing harmful benzene into the air along with
12 contaminants into the groundwater.

13 I have no other water to drink or other air to
14 breathe. I need you to follow Town Law and prioritize
15 the health and safety of this neighborhood and its
16 residents. Thank you.

17 MR. BURTON: Good evening. My name is Bill Burton.
18 I'm the closest person to the project. I live right
19 across the street. I am about 100 feet from the store.
20 I lived there 21 years and you will probably look at me
21 and say he's got one foot in the grave so he doesn't
22 count.

23 I've got to tell you the project outlay puts their
24 30 foot driveway right across from my driveway. I can't
25 get out of my driveway during the morning rush hour or

1 during the evening rush hour for periods of up to 2 to 3
2 minutes before the light changes. With this project
3 there - customers coming in and out of their against my
4 driveway - - I don't know what the hell is going to
5 happen. I might sit at my house and never leave there.

6 The benefits were covered before. There really
7 isn't any new benefits to the community by putting a
8 store from where it is now to my corner.

9 Last weekend between Friday night and the weekend,
10 I sat in the front of my yard and I counted over 500
11 cars our going back and forth at high rates of speed.
12 Sunset Hills every year has at least two new drivers
13 that speed across the intersection with their wheels
14 almost off the ground when they come across. When I go
15 to my mailbox, I can't see the vehicle until it comes
16 across the crest.

17 I don't know if you people have looked at the stats
18 for 45 miles per hour, but they are over the speed
19 limit. If somebody comes across Miller Road onto Sunset
20 at 45 miles an hour, dry pavement, perfect conditions,
21 slams on the brakes because somebody's coming out of the
22 driveway across from mine, it will take them a full 200
23 feet to stop. That driveway is 130 feet from the light.
24 They're going to run right through that car or any kid
25 that crosses that street there. At 45 miles an hour it's

1 387 feet to stop. That's that perfect road conditions.

2 So, I don't even know if you have looked at that.

3 My main concern in the benzene. It is a real bad
4 concern. I lost a friend who owned a gas station that I
5 worked at when I was young. He contracted leukemia. He
6 owned a gas station and he died in his late 40's because
7 they couldn't figure out why he died until after it was
8 too late. That's how he got his leukemia.

9 If you want this on your mind and you're not going
10 to work with the people who know it could be put
11 someplace else and not right in the middle of the
12 housing, you're going to have to live with it. You are
13 here for us and for our best interest. Your wages -- I
14 think your paychecks come from our taxes.

15 With all due respect, that project doesn't belong
16 there. If it created 800 jobs like the Amazon project, I
17 would say go for it. I will go live someplace else. I
18 don't see where it's going to benefit anybody there.

19 My front lawn - there are people that come across
20 my lawn to get to Stewart's, I'm going to have trash a
21 foot deep all the time. Is Stewart's going to pick all
22 my trash up? They litter. If they eat something, they
23 drop the packaging. They do it now when they park next
24 to my driveway.

25 That's all I got to say. I hope you decide to have

1 them move someplace else.

2 MR. HODGSON: My name is George Hodgson and I live
3 on Sunset Road, 150 feet from the site of the proposed
4 Stewart's Shop. I have concerns about the groundwater
5 impacts and the project status with regard to zoning in
6 the Town Code.

7 Briefly, I take issue with the procedure used to
8 give notice to the surrounding residents. This is not
9 the fault of the applicant, but I received no notice
10 from the Town for this or the previous hearings
11 regarding this project, despite being only 150 feet
12 away.

13 With regards to the groundwater, the applicant is
14 pointing to the stormwater treatment facility as a
15 safety mechanism that will prevent the runoff and gas
16 from entering our wells and the Town's aquifer at large.
17 The two devices are being used to manage the flow with
18 the generated volume seemingly split between them, based
19 on the plans. Neither of these devices will remove all
20 the contaminants. The technical documents of the first
21 device, which is already in the file for the Downstream
22 Defender, makes no claim that they will remove all the
23 gas from the runoff. There is a chart that tested for
24 all the flows that it is supposed to have and they only
25 tested it for the first third of how much water it is

1 supposed to handle. Even at one-third, it is at 80%
2 effective and in their line they say it's going to be
3 less than 80% effective, the more you put through it.

4 I will be submitting this afterwards.

5 With less than 80% captured, that leaves 20% or
6 more being transferred into the stormwater ponds and
7 then into the groundwater and then into private wells.

8 As my wife said, this technical device captures the
9 stormwater and from what we see in the plan or can read
10 in their documentation, it has no filtration
11 capabilities, unlike the Downstream Defender. So, liquid
12 would pass through the system and enter the groundwater
13 without any contaminants removed at all. This is
14 important because the applicant has only barely
15 satisfied DEC's 100-foot minimum setback. We see that
16 one of their diagrams of a well - separation diagram
17 drawing circle around wells and it is barely 100 feet.
18 Residents near the project will end up drinking this
19 once it's in the groundwater. They will bathe their
20 children in it. It is a serious threat to our health and
21 it's not been addressed anywhere on the applicant's
22 short EAF.

23 Moving to zoning: I am concerned that this Board
24 has been misled as to the zoning status of this land.
25 Mr. Laberge has issued a series of letters advising the

1 Planning Board of his assessment throughout this project
2 and in many of them he states "the project is in the HC
3 zone and requires site plan approval. It is an allowable
4 use in the zone." Furthermore, when the project has
5 appeared before you the last four times, it was listed
6 on the agenda as a HC zoned project, which is just
7 incorrect. As shown on the Town's zoning map and also
8 the applicant has a zoning analysis diagram that shows
9 that this is a mixed R-20 HC project. The majority of
10 the project area is in the R-20 zone which was just the
11 eastern portion closest to 9 and 20 being in the HC
12 zone. It was only on today's agenda the fifth time that
13 Stewart's came here that it was correctly listed as a
14 combination zone product.

15 I bring it up just in case any of you Board Members
16 were misled or didn't understand as a result of these
17 previous callouts. You know better than I do that
18 there's a very different consideration to be made for
19 looking at HC land versus residential land and I just
20 ask that you give special consideration to the
21 residential land. The Town zoning map does not clearly
22 define the exact location of the HC zone at the site. It
23 does indicate that the HC zone starts at 9 and 20 and
24 extends 250 feet westward.

25 There is no written description of the boundary so

1 it's up to for interpretation based on where that line
2 is drawn on the map. Is it at the center line of the
3 road, as Stewart's would have us believe, or the
4 dividing line or block line as shown on the tax map
5 which I will also submit. If it is the dividing line,
6 then the HC district extends 20 feet less westward than
7 Stewart's would have us believe. That would put the
8 rear of the Stewart's building onto residential land.
9 Per Town Code interpretation, this would be referred to
10 the Zoning Board for decision on where the boundary
11 lies.

12 Looking at one of the other zoning analysis
13 diagrams - there it is again. There is a line that shows
14 the purported edge of 9 and 20, but west of that line on
15 residential land is a symbol that shows the placement of
16 a stormwater basin, clearly on residential land.

17 I would argue that a stormwater basin should not be
18 allowed to be buried underground on residential land.
19 The applicant's turning movement diagram shows that gas
20 trucks - shows the path that they will take when making
21 fuel deliveries. If you can look at both the zoning
22 district line and that truck path, you can see that the
23 applicant, by their own admission, wants to drive their
24 gas trucks on residential land as part of its daily
25 operation. I argue that should not be allowed.

1 The Planning Director, Ms. Fuda, gave me the
2 explanation of the gas tanks and the convenience store -
3 that are in highway/commercial zone land so it's fine. I
4 argue that it is not. They will be driving the gas
5 trucks on residential lands and they will have
6 stormwater ponds on residential lands. They will have to
7 clear cut an acre and a half of residential land in
8 order to accomplish that. Nowhere in the R-20 principle
9 uses, accessories or special permit uses are those uses
10 listed. These all constitute the use of residential
11 property for commercial purposes and the store would not
12 be possible without them using the residential land in
13 this way. They are essential parts of the project.
14 That's the reason the project must be deemed a
15 commercial project in its entirety. Residential land is
16 no place for a project like this.

17 In the event that the project is approved, the
18 three tax parcels will be combined into one single tax
19 parcel.

20 Per a conversation that I had with the Town
21 Assessor on March 1, after they combine the newly
22 created parcel, it will be listed as a HC parcel on the
23 Town rolls. This effectively results the parcel from
24 being a mixed HCR-20 parcel to a full-blown HC parcel.
25 With respect, this Board is not authorized to rezone

1 parcels in that manner.

2 Lastly, in looking at Town Code, it is clear that
3 this project is in violation of at least two statutes.
4 Article 10 of the Town Zoning Law covers special permit
5 uses like this. Section 219.71 gives general standards
6 that you all should consider. It says "the location,
7 nature and height of the building will not discourage
8 the use of adjacent buildings or impair the value
9 thereof."

10 The federal government FHA mortgage program is very
11 popular. According to their reports in 2017, they are
12 17% of all mortgages. It's relevant because FHA's
13 policies prohibit issuing a mortgage on a property whose
14 property line is within 300 feet of a gasoline
15 underground storage tank. Several of us immediate
16 neighbors are affected by this restriction. Should they
17 choose to sell their home, a FHA buyer won't be able to
18 buy that home. That would leave these owners of these
19 affected homes with a less marketable home and as a
20 result they need to accept a lower sale price, thus
21 impairing the value of their property.

22 Secondly, section 219.71 e mandates that all
23 parking and service areas should be reasonably screened
24 at all seasons of the year from the view of adjacent
25 residential lots in streets. The residential land on the

1 site is currently screened by dense vegetation including
2 trees. I stood on Sunset Road and I counted trees - I
3 counted over 170 trees between two and three stories -
4 most of them -- Stewart's plans to remove most of them.

5 In response to requests made by Mr. Laberge in one
6 of his letters, for additional visual screening the
7 applicant's latest plan - Mr. Marshall called this out -
8 called for an additional planting of 9 Eastern Hemlock
9 trees to replace the 170 that are there. They are to be
10 planted across 400 feet of the western and northern
11 property line - 9 trees over 400 feet. Each of them will
12 be six and 7 feet tall. Nine trees will not be adequate
13 to provide the legally required screening.

14 USDA's agricultural handbook notes that Eastern
15 Hemlock may take 250 to 300 years to reach maturity. The
16 ineffectiveness of the planning/zoning underscored by
17 the February 22 Stewart's response to Mr. Laberge in
18 which Stewart's themselves acknowledged that plantings
19 would not adequately screen that area due to its low
20 elevation. The project plans to remove dense vegetation
21 and replace it with sparse trees.

22 In closing, I feel that concerns clearly warrant
23 additional review. I ask that the Board and the
24 applicant take the time they need to fully understand
25 and address them. It's not in our best interest to rush

1 to a negative declaration under SEQRA since unaddressed
2 issues like these would only lead to the negative
3 declaration being overturned in the courts. This is a
4 local matter and should be handled here in Schodack. I
5 hope these items can be addressed and all parties
6 satisfied.

7 CHAIRPERSON MAYRER: Thank you.

8 MR. PULISFER: My name is Gary Pulsifer. My
9 property borders where they want to put the Stewart's
10 in.

11 I have two wells that are between 50 and 75 feet
12 from the property line. So, anything that is leaking at
13 Stewart's is going to poison my wells and devalue my
14 property.

15 Thirty-five years ago my lot was flooded from
16 highway water. I contacted the state engineer and they
17 tore a house down across the street, put piped highway
18 water through it and piped it off into the swamp. So, I
19 am just saying, I am definitely against this.

20 If my wells are that close and they get any kind of
21 leak, there goes my property value. There goes the
22 water.

23 Schodack, a few years ago, told me that I had to
24 close my wells off and they were going to take water
25 piped in from Mourning Kill. The leachate in the dump

1 poisoned three wells at the trailer park. The State of
2 New York condemned that for fishing. You can't fish in
3 Mourning Kill on account of the leachate. That's where
4 Schodack is getting the water. I don't want that water.

5 Like I said, I am strictly against it. My property
6 value will go way down. I've got the two wells. Even if
7 they don't have a major leak, I am that close.

8 CHAIRPERSON MAYRER: Understood.

9 MS. DIGIORGIO: My name is Diane DiGiorgio. I live
10 in Byer's Estates. I have spoken before and I just want
11 to add my voice to these very well informed -- I have
12 been really impressed with the research people have
13 done. I want to add my voice to theirs. This is an
14 ill-advised and irresponsible project.

15 You are the Town Planning Board. You are
16 responsible for protecting the citizens' health and
17 safety and I implore you to act accordingly. Thank you.

18 CHAIRPERSON MAYRER: Thank you.

19 MS. CASH: Abby Cash, 377 Lukewood Road in Nassau.

20 I very much appreciate the fact that we have a
21 public hearing this evening so we can air all of this
22 thinking, all of this research and all of these
23 feelings. What I don't understand is the process allows
24 for that and why it does not allow your deliberation on
25 the points that are being made. My understanding is the

1 Open Meetings Law requires it. So, I don't understand
2 why it doesn't happen. I can tell you this: You will
3 build confidence among the citizens if you take the
4 points and deliberate them. Show us where our thinking
5 is flawed. Show us why we are wrong, then we can all go
6 forward and be supportive of this. That is your
7 responsibility and that's what I'm asking for. Thank
8 you.

9 CHAIRPERSON MAYRER: Thank you, Abbie.

10 MR. VANHOOSE: My name is Stephen VanHoose. I live
11 in East Schodack. I'm just going to pause here and I
12 want to do a little bit of out-of-the-box thinking
13 because I am listening to the arguments here and I'm
14 looking at this site.

15 From the beginning - I probably should have said
16 this sooner. This Stewart's is being crammed - is a poor
17 site. I think the question that I have always asked is:
18 Why wasn't it ever considered to go down the street to
19 the old Finney's auction where the old Stewart's Shop
20 was. I know Stewart's, from their position, has rated
21 the intersection they are getting the traffic. I don't
22 think the traffic would be any different right down the
23 road.

24 If you go to Google maps to take an overall look at
25 the site plan, considering the Nussbaum's proposal is

1 maybe coming your way, if it hasn't already. I don't
2 know if you are familiar with the project. If that site
3 is behind there and Stewart's locates themselves right
4 on the storefront there - - if you look you can kind of
5 integrate the overall plan of that area and you are far
6 enough away from the residential houses that would have
7 a concern. I know putting a gas station there - we still
8 have concerns for the residence. We would still have
9 underground gas tanks, I think we've got to think as a
10 Planning Board and I think you want to look at the
11 overall perspective of the area and what you're dealing
12 with.

13 One place I look to is the Stewart's Shop over in
14 North Greenbush across from the college. You have
15 Stewart's integrated on the corner with the other
16 shopping center. You've got Junior's Bar and Grill
17 there. The parking kind of sucks up there. It's kind of
18 a little bit more well thought out. They thought about
19 the planned development and there's residential
20 complexes behind that building. So, I think looking
21 ahead, the same thing would be with the Nussbaum's. I
22 don't think Stewart's would be losing. They would
23 actually be gaining that customer base in proximity to
24 that site.

25 I wasn't here for the Town Board meeting on

1 Thursday, but there was something said about sidewalks -
2 so, we can integrate sidewalks in there and start
3 looking at it overall. I have to ask this question
4 because it bothers me. Why do we make a solar farm do a
5 full Environmental Impact Statement and a gas station
6 not have to do one? Make them do it because I don't see
7 what an environmental impact of a solar farm is. This is
8 much more. Thank you very much for hearing me. I
9 appreciate it.

10 MR. KERNEL: My name is Tim Kernel. I live at 1530
11 Sunset Road right across the street from where this
12 Stewart's is proposed.

13 At the present time there are several little
14 questions I have. I didn't come armed with facts and
15 figures, but I came armed with common sense. I have a
16 40-foot well and it is sitting on top of that aquifer
17 and the water runoff that comes across the road
18 underneath the road over to my house leaves the pond
19 sometimes. We sometimes call the duck pond because
20 sometimes it's deep enough that ducks will actually land
21 there and hang out. That water eventually has to seep
22 into the ground and that water that is sitting on the
23 ground is less than 50 feet from my well. I am assuming
24 that all of that runoff that comes off that gas station
25 pavement is going to be running right into that section

1 of land that runs underneath the road and comes over to
2 my house.

3 Also, I want to note that the traffic that goes by
4 my house - when I bought my house I thought it was kind
5 of strange. I have lived in that home for over 30 years.
6 When I went to buy the house, the prior owner had a sign
7 posted next to the driveway - no turnarounds. I thought
8 that was kind of strange, but since I lived there if I'm
9 sitting home watching, I can count 15 to 20 cars a day
10 come to that intersection, turnaround in my driveway
11 because I'm the first driveway that they get to and
12 realize they're on the wrong street, so, they head back
13 over to the light. We also have, during prime time in
14 the morning and afternoon, traffic that comes down from
15 Castleton which is the main thoroughfare on Sunset Road.
16 It comes right up through there because it heads them
17 right over to I90 in a hurry. So, there is a ton of cars
18 that come up and down that road early in the morning
19 anytime between 7:00 and 8:30 and then in the evening
20 anytime between 4:00 and 6:00. Sometimes it is very
21 difficult to get out of the driveway.

22 I don't know if I misunderstood the gentleman from
23 Stewart's. He indicated, I thought, at the very
24 beginning that DOT did not like left hand turns into
25 Stewart's off of 9 and 20. So, there would be an access

1 off of Sunset Road into the Stewart's. I don't know what
2 that access means. Does that mean cars or trucks or
3 tractor-trailers or whatever it means? That's what I
4 understood him to say. I could be wrong. We don't need
5 that kind of traffic coming down Sunset Road.

6 The other thing I want to mention is when I first
7 moved into that house - my front yard is all shale.
8 There was quite a hill there. You could not see coming
9 around that corner. You couldn't see probably 100 feet
10 before the light. I took a jackhammer and I chiseled
11 that down for three days and I got it down to about 2
12 feet so people coming around the corner - - that is not
13 a straight piece of road there. That is a big major
14 curve. I have tried to get the mailman to put my mailbox
15 on my side of the road so I didn't have to cross the
16 road to get my mail every day because of the traffic.

17 I know many times in the past - and you folks
18 probably weren't on the Board then but there are many
19 times that people came in to complain about the traffic
20 going so fast on that road. It is supposed to be 35
21 miles an hour and they come around the corner by the
22 front of my house at 50 miles an hour and sometimes on
23 two wheels just to get up to the light in a hurry and
24 then stop. So, there are a lot of people to drive crazy
25 along that pass.

1 I had a neighbor down the street that grew a tree
2 and had branches that were reaching out into the road
3 and I actually went down and asked him if I could cut
4 the branches so that I could see underneath those
5 branches for the cars coming around the corner so I
6 wouldn't be driving out onto the road with somebody
7 coming around there too fast.

8 I don't know if the Town can ask the state to put a
9 rotary in. I know some people don't like rotaries, but
10 that would certainly slow the traffic down at that
11 light.

12 I can count the number of times I've pulled up to
13 that light, sitting there at the red light and it turns
14 green for me and somebody is flying to that light about
15 40 or 50 miles an hour because decided they weren't
16 going to stop there. There were several times that I
17 almost got hit by starting to drive out into the
18 intersection all the sudden somebody's coming right at
19 me.

20 I'm concerned about the reduction of our home
21 values in that area. I think that a lot of the homes
22 that are close by there - if I was out looking for a
23 home, I wouldn't want to buy a house that was located
24 that close to a Stewart's gas station with lights all
25 night and all the traffic going on there. So, I'm

1 concerned about the value of our homes going down. Last
2 but not least, I recognize a couple of faces that I
3 remember. Mr. Johnson, your daughter is the same age as
4 my two daughters. They used to come to your house and
5 visit with your girls. You probably don't remember me,
6 but I do remember you because I remember coming to your
7 house a million times and you still had a beard 40 years
8 ago.

9 Anyway, you all seem like great people, but I will
10 bet you any money that if you were in my house you
11 wouldn't let this project go through. Thank you.

12 MS. SINGER: Good evening, my name is Margot
13 Singer. I live at 9 Huckleberry Road, Castleton, New
14 York in Sunset Hills.

15 Other speakers have more eloquently spoken and have
16 recited to you numerous studies and reports regarding
17 the potential for air, water and ground contamination of
18 this proposed project.

19 As a Town resident, I want to echo that I have
20 serious concerns especially if my well becomes
21 contaminated. My family depends on this well for
22 drinking, cooking, bathing, watering my garden and for
23 our pet. We know that accidents do happen especially
24 when there is human error possibly at play.

25 We have plenty of gas stations and plenty of

1 convenience stores nearby. There's absolutely no benefit
2 to the Town or for its residents for Stewart's to move
3 to this corner. It's not like we have no other places to
4 buy gas or conveniences.

5 By the way, I am a frequent Stewart's customer. I
6 will admit to being a member of the milk club and ice
7 cream scoops club.

8 It would be nice to walk to Stewart's, but this is
9 dangerous and there is potential for serious harm to
10 local residents.

11 I don't know where any of you live. I guess
12 somebody knows where Mr. Johnson lives. I can confirm
13 what people have said tonight and at prior meetings
14 about the crazy traffic at this intersection and the
15 potential for accidents. In fact, my daughter was one of
16 those new drivers coming from Sunset Hills at one point.

17 You have heard repeatedly that this intersection
18 has an extremely high rate of accidents. You have heard
19 the statistics from the Department of Transportation.
20 Again, these statistics are with a low use business,
21 which this proposed project is clearly not. These are
22 facts and facts that you need to pay attention to.

23 As others have stated, we need a Full Environmental
24 Impact Statement from the applicant so we can get the
25 answers to the questions that we deserve. We deserve to

1 live safely with our families in this Town. I urge you
2 to listen to the legitimate concerns of tax residents
3 and taxpayers.

4 MS. GREER: I am Marcy Greer, 1692 Julian Drive.

5 I just want to say that almost a year ago at a
6 public meeting for Amazon I brought to your attention
7 that the public hearings were not listed on this
8 Schodack website under public notices. Now, almost a
9 year later there's another public hearing on another
10 project that is causing great concern for neighboring
11 projects, which is also not listed under public notices,
12 although this is a public hearing. Is there reason why
13 they don't utilize the public notice section on the
14 website to announce public hearings?

15 MS. FUDA: This is just a normal process that we
16 do here.

17 MS. GREER: That's fine. I would just recommend
18 like last time at the other public hearing with Amazon
19 we mentioned that it was really helpful when that was
20 posted on the website.

21 It would be really great if there were documents
22 posted for public hearings such as these so that when
23 people come here, they know what the plans are. It's
24 very hard to see for a lot of people so far away as to
25 what's going on. It's just a suggestion. I know many

1 people are not available to come to the Town Hall during
2 the hours because they are working during the day. So,
3 again, it is just a suggestion.

4 Also, in my opinion this project is not what many
5 would consider smart economic development when
6 considering the effects of the homeowners that are
7 directly affected. The fact is that the original
8 Stewart's location was approximately 1,500 feet from
9 where it is currently located and now the request is to
10 move it back another 2,500 feet and directly over the
11 aquifer. I am just wondering if there's going to be more
12 movement of the Stewart's at another time.

13 I know last time there was a mention of whether or
14 not there's going to be a use for the vacant building if
15 it becomes vacant and you allow this to go forward on
16 Sunset Road. I know the question was asked what would
17 happen to it. I don't know whether or not you actually
18 got an acceptable answer.

19 So, I sincerely hope that you will take your time
20 to evaluate the effects of placing another gas station
21 directly over the aquifer and so close to drinking
22 wells. I urge you to require the Environmental Impact
23 Statement for this project to analyze all of the
24 concerns related to water, traffic just to name a few.

25 I also just want to add that in my opinion, no

1 amount of jobs whether it's 4 or 800 are worth the risk
2 of well contamination. Thank you.

3 MR. VISALLI: Joe Visalli, 1381 Sunset Road. I am
4 a former Planning Board Member for 17 years and
5 professional engineer. That's probably more important
6 for this project because I have lived at 1381 Sunset
7 Road for 38 years. I am not sure if I mentioned this
8 before, but I've probably gone through that
9 intersection over 38 years over 14,000 times. That's
10 one way. That's also 14,000 times the other way. So, I
11 have a little bit of knowledge about this intersection.
12 It is dangerous. I have been T-boned once and near
13 misses several times. It's always due to - as people
14 were saying - speeding traffic. So, I have a slightly
15 different approach than everybody else.

16 I have a list of questions and I hope that we can
17 get some answers. I would just say right off these plans
18 have been changing so I'm not 100% sure. That's the
19 reason why am asking them.

20 I will start with aquifer protection as a topic.
21 One thing I would like to know is: Will the treated
22 stormwater stay entirely on Stewart's property?

23 CHAIRPERSON MAYRER: Thank you, so, what we are
24 going to do is if you would submit your questions and
25 then we'll get answers from our engineer and we will

1 make sure that all gets addressed by Stewart's.

2 MR. VISALLI: It would be great if we can at least
3 get some answers.

4 CHAIRPERSON MAYRER: Let's see how we go through
5 this. Go ahead.

6 MR. VISALLI: Will a water retention basin be used
7 as part of the stormwater control system? If so, will
8 it be located in the parcel that is zoned residential?

9 CHAIRPERSON MAYRER: That's what he was talking
10 about earlier; right.

11 MR. VISALLI: There is a legal question about
12 whether or not -

13 CHAIRPERSON MAYRER: The zoning overlaps.

14 MR. VISALLI: Right, and whether it is allowed on
15 that type of a parcel.

16 CHAIRPERSON MAYRER: This just goes to show you
17 that I am listening.

18 MR. VISALLI: We heard some comments about the
19 catcher efficiency for the oil/water separator. I
20 didn't hear that, by the way, when Dick Laberge gave a
21 little spiel to the Zoning Board of Appeals based upon
22 a recommendation from this group.

23 CHAIRPERSON MAYRER: You're talking about the 80%.

24 MR. VISALLI: I am talking about the 80% and of
25 course there was no groundwater analysis - what that

1 meant.

2 CHAIRPERSON MAYRER: Right, understood.

3 MR. VISALLI: That's kind of interesting.

4 What size storm is this thing sized for?

5 CHAIRPERSON MAYRER: I know why that is important.

6 Because we do the 100 year and we had a couple of

7 500-year storms where we never expected to have a

8 problem, but we did.

9 MR. VISALLI: Correct. So, I want to know if the
10 Planning Board has any guidelines. You are supposed to
11 be enforcing the Town's Aquifer Law - protecting that
12 aquifer. Do you have a guideline?

13 CHAIRPERSON MAYRER: A guideline for which? The
14 100 or the 500?

15 MR. VISALLI: What is the storm that is required
16 for the oil/water separator, according to the Town, in
17 order to protect our aquifer?

18 CHAIRPERSON MAYRER: I think that is probably
19 designated by New York State, but we will find out if
20 it is the 100. I am pretty sure it is the 100. They
21 don't do 500.

22 MR. VISALLI: I think that it is a good idea - -
23 we have got more applications coming up that impact
24 that aquifer. You have a special obligation to protect
25 that aquifer under that law and you have no guidelines.

1 Yet, you went ahead and made a recommendation - no
2 impact.

3 The DEC does require a 100-year storm over 24 hours
4 under a SPDE permit for wastewater system releases. That
5 is for cases where the water is entirely on the
6 property. So, I would ask the question: is it going to
7 leave the property? If not, what they do is of course
8 take into account what the retention - the size of the
9 retention basin is and they probably still shoot for a
10 100-year storm - 24 hours.

11 CHAIRPERSON MAYRER: That's right.

12 MR. VISALLI: I want to ask a question about the
13 oil/water separator. Does it require a level to
14 function properly? Why is that important? What are the
15 soil characteristics at the site? Does anybody know?
16 Maybe or maybe not.

17 Are they planning on having a concrete fitting
18 underneath that oil/water separator - or two of them if
19 they are there? I don't know. This way we can be assured
20 at least that thing stays level.

21 I'm also curious as to what size pipe is going to
22 connect the paved surface drain point to the oil/water
23 separator. I don't know and I can't tell on the plan
24 view what the slope is, but I assume that the Planning
25 Board has asked that question. They know that pipe is

1 that the right slope and the right size to handle the
2 100-year storm.

3 I want to make sure that this pipe is sized
4 properly so that it carries all that water into the
5 oil/water separator which is of course isn't going to
6 function very well, according to what was said
7 previously.

8 I want to know if the drainage point at the paved
9 service - does it have a grate cover? Does it have a
10 drop-out box? There's going to be debris, stones,
11 whatnot and so forth and that drop-out box is going to
12 be important. I would like to know - I'm sure that
13 Stewart's has told you, or at least they should have,
14 how frequently this is going to get cleaned out and who
15 is going to be responsible.

16 Will any of the reports on the cleanout be sent to
17 the Town? Who in Town government is going to be
18 responsible for that?

19 Will that system - that is the oil/water separator,
20 the drop-out box and the grates be inspected at least
21 yearly by somebody in the Town? We would like to know
22 who that person is and will records of inspections and
23 holding tank cleanings be available for public review?

24 Does the site plan call for a lip around the
25 pavement - short edge wall - to ensure that the

1 stormwater is conveyed to the drainage point at the
2 soil/water separator without spilling over for a
3 100-year storm?

4 Are there any monitoring wells positioned to
5 measure the groundwater quality, provide written records
6 for the public and any responsible government agencies
7 to review? Where are you going to keep these records?
8 Has the Town got any history that they keep records like
9 this from monitoring wells?

10 MS. FUDA: Every year I get a report from Violet
11 and it is right upstairs, if you want to see it.

12 MR. VISALLI: I am wondering at this point if the
13 Planning Board takes all of these issues into account
14 before we give a recommendation to the ZBA of no
15 impact. I doubt it.

16 MR. SHAUGHNESSY: I can see that Mr. Visalli feels
17 very strongly about this issue - our recommendation of
18 the Planning Board -- and we have spoken about this
19 before. Largely, that is procedural over the Zoning
20 Board to decide. We could make a resolution here that
21 the sky was blue and the Zoning Board would take into
22 their account whether they felt is appropriate and what
23 is not.

24 MR. VISALLI: They listen to one person; Mr.
25 Laberge.

1 CHAIRPERSON MAYRER: We are talking favorable
2 versus - - could be favorable - - you know how this
3 works.

4 MR. VISALLI: Nonetheless, the Planning Board has
5 a responsibility to make the recommendation.

6 MR. SHAUGHNESSY: To keep the process moving we
7 need all the facts to the ZBA who is under purview to
8 make the decision to allow them to make the decision
9 themselves. That is why.

10 MR. VISALLI: I understand

11 CHAIRPERSON MAYRER: So, that is a process issue.

12 MR. SHAUGHNESSY: And then it's been brought up
13 numerous occasions and has been acknowledged. I suggest
14 we move on.

15 MR. VISALLI: I intend on moving on.

16 Has the applicant filed for a SPDES permit? The
17 project is greater than one acre of disturbance. Have
18 they filed for one?

19 CHAIRPERSON MAYRER: Uh huh.

20 MR. VISALLI: They have; great.

21 Okay, those are my questions

22 CHAIRPERSON MAYRER: Can we have that?

23 MR. VISALLI: I have more questions. I have
24 questions about the sewer and what implications that
25 has for traffic increases. So, what direction is the

1 sewer supposed to go? Does it show in there? Does the
2 sewer direction show?

3 MR. LABERGE: The sanitary sewer is to be pumped
4 towards Miller and Old Miller Road.

5 MR. VISALLI: So, the question that I've got is
6 what is the size of that pressure sewer pipe that the
7 Town asked for?

8 MR. LABERGE: There's a small diameter maine to be
9 used initially and the Town asked for a larger diameter
10 - probably a 5.1 inch inside diameter - HDPE.

11 MR. VISALLI: So, using that - of course you can
12 compute with the maximum flow and that pipe is.

13 Any ideas where the pump station will be?

14 MR. LABERGE: The pump station for what? The
15 Future?

16 MR. VISALLI: Yes.

17 MR. LABERGE: No. It is just a main plan for
18 future use by the Town.

19 MR. VISALLI: So, I am assuming there is some
20 local development that you had in mind for the sewer.
21 I'm kind of curious here because this ends up relating
22 to traffic. If this sewer pipe is intended for the
23 108-unit apartment complex that is being planned, it
24 would be good to include the traffic for that project
25 in the analysis - particularly with what the impact

1 would be on Sunset Road. I don't know if any of you
2 have driven down Sunset Road, but there is a road that
3 is being built on Kurt's property. It hasn't quite
4 reached Sunset Road, but is probably about 25 or 30
5 feet away. He's got it cleared.

6 If it's not that 108-unit complex -- I don't know
7 how many of you have looked at what is going on adjacent
8 to Kurt's property where the PLC - the Provincial Land
9 Management Company or something like that - - have you
10 taken the opportunity to go back there?

11 So, what have we got? We got a mess back there.
12 There is construction debris everywhere. There are piles
13 of material and all kinds of trucks and heavy equipment.

14 My question is: Is the entrance from Kurtz Road
15 going to be used for heavy trucks? That is going to
16 impact severely on Sunset Road in the center section.

17 Also, it would be nice if the Town did something
18 about the mess that is over there.

19 So, I'm kind of curious with all this that is going
20 on, what growth factor could Stewart's use in its
21 predictions of traffic flow on Sunset Road. What is the
22 Planning Board use for its own predictions?

23 I've got several questions about gasoline truck
24 rollover potential. It seems to me trucks like this one
25 will go around the back (Indicating).

1 MR. MARSHALL: They both go around the back.

2 MR. VISALLI: Okay, so both trucks will go around
3 back. So, my question is: What is the drop-off or
4 height from the road to the base? I guess it is 10
5 feet. That is a pretty severe slope over there. I am
6 thinking we have a 50-ton tractor-trailer carrying
7 gasoline in the winter and in 6 inch snowfall and they
8 are delivering gas. You think that truckdriver has the
9 possibility of missing the road there?

10 So, my question is: What measures have been taken
11 or should be taken to ensure that a truck rollover
12 doesn't occur there; just by the mere fact that the guy
13 goes off the edge.

14 So, I had asked: Have you considered requiring
15 steel sheet pilings to stabilize that bank and then add
16 guardrails? If a truck rolls over there, it would be
17 nice if there was a plan in place to right it. You're
18 going to have to get pretty heavy equipment back there.
19 So, I am not sure how you would get that heavy equipment
20 to right that. So, I am urging you to consider adding
21 requirements to prevent it or at least minimize it.

22 If a spill does occur, I would ask that Stewart's
23 have a plan in place with the Town as to how they are
24 going to clean it up.

25 I have some comments on the exit and the entrance

1 on Sunset Road. I would like to know what the slope of
2 that road is. My guess is that it is about at least a 10
3 foot drop their. Maybe it's not 10. Maybe it's eight. I
4 am thinking cars, trucks going down that short to drive
5 - my guess is the slope may not even meet your
6 requirements for a residential driveway.

7 I have been looking at Stewart's properties all
8 over recently.

9 I ask a question of Stewart's. Do they have any
10 other property with a steep slope like that to get off
11 their property? I would ask you, as well. Do you know
12 any convenience store or any store that would ever have
13 a slope like that? I don't think so. I don't think that
14 Stewart's has any experience with this and I don't think
15 the Planning Board does either. I don't think anybody
16 does. I urge you to take a close look at that slope.

17 There have been several comments about what you can
18 see from that. I can tell you that from where that exit
19 is, you cannot see what's coming over the intersection.
20 At 45 miles an hour on Miller Road - - I have seen cars
21 tried to beat that light. I think one of the gentlemen
22 talked about stopping distance. You literally can't see
23 it. You can't see at the other way. You cannot see
24 Stewarts exit from the other side of the intersection,
25 particularly if you are in a low profile car like a

1 sedan. I've got an SUV and I can look both ways and I
2 can't see.

3 It's kind of interesting that the level of service
4 at this intersection is very good. I don't doubt it
5 because cars are coming to that intersection at a high
6 rate of speed. So, it's kind of ironic that a good level
7 of service, the way they have defined it, has nothing at
8 all to do with safety. So, what is my suggestion here?
9 My suggestion is that you build another lane here
10 (Indicating) so that you have three lanes across here to
11 match the three lanes across here; straighten it right
12 out. Take the land and straighten it right out. You
13 cannot see with that bank there.

14 CHAIRPERSON MAYRER: Can you do me a favor and
15 just say those suggestions again so that she can pick
16 them up? We can get them from the stenographer.

17 MR. VISALLI: I will give you this because it is
18 fairly descriptive.

19 CHAIRPERSON MAYRER: I just want to make sure.

20 MR. VISALLI: So, in closing on this topic, I
21 think it is crucial for the Planning Board to require
22 this extra lane both for current public safety. We
23 talked a little bit about vehicle and growth over the
24 years. Once you approve this plan, that plan right
25 there, there is no going back. You have locked that

1 site into accidents and whatnot for the next God knows
2 how many years. So, you better get it right, please.

3 I think it was said a little bit earlier that this
4 is a situation - - the Planning Board doesn't get that
5 many applications where public safety is really at
6 stake. This is one of them.

7 I have some questions about the Broughton's site.
8 Has Stewart's given you a plan to search for hazardous
9 or toxic wastes during the construction phase? There are
10 certainly no documents that I have been able to find.
11 They should have a written plan.

12 I am not sure what pollutants are going to be
13 looked for during the construction phase - what
14 instruments are going to be used and what the testing
15 protocol is going to be. All this should be in that
16 plan. You should require an instrument that has
17 detection levels that are low enough to ensure that the
18 groundwater standards won't be contravened. That's a
19 pretty low standard, by the way, for benzene and other
20 toxics.

21 The plan, in my opinion - they should be testing
22 for lead as well as for volatile substances like
23 gasoline because the Broughton site - it is quite
24 possible that there are old batteries or battery acid
25 containing lead that was dumped and asbestos from old

1 brake shoes. You're going to be disturbing that site and
2 knocking down that building. I've got a couple of
3 comments on this because I have heard nothing about the
4 potential for asbestos and the insulation on pipes or in
5 walls on those building. Let the Planning Board and the
6 Planning Department or the Building Inspector take a
7 look and certify along with Stewart's as to whether or
8 not there is any asbestos because when you tear down the
9 building, there is going to be fugitive dust. That
10 fugitive dust is going to be airborne.

11 MS. FUDA: Joe, it is required by New York State
12 that and asbestos inspection be done prior to any
13 demolition of the building built prior to 1971.

14 MR. VISALLI: Great. That is good news. Thank you.

15 I am assuming - - it would be interesting to know
16 whether Stewart's has already done one of those.

17 Including the inspection, as I said, there is a
18 fugitive dust issue. There should be public notices and
19 a plan so that these people who are going to be next
20 door and across the street don't get hit with a blast of
21 asbestos.

22 So, in closing I have a number of recommendations.
23 I think some of these I have already mentioned.

24 I think you should, for aquifer protection, be
25 required the size of the oil/water separator connecting

1 piping and drainage areas to accommodate a 100 year/24
2 hour storm event as particularly in the aquifer area -
3 the recharge area of the aquifer.

4 You should require a concrete pad for the oil/water
5 separator and secure the piping by connecting the paved
6 surface drainage point to the separator to prevent that
7 pipe from breaking or leaking. You should be requiring
8 drop-out boxes at the drainage point and it should be a
9 routine job for somebody at Stewart's to make sure that
10 grate is cleaned and the drop-out boxes are inspected
11 periodically and cleaned.

12 You should be placing at least two monitoring
13 wells. They should appear on the plan - the location.

14 I am recommending that you add a lip to the paved
15 surface to ensure that the stormwater gets carried to
16 the appropriate points. That should also be on the plan.

17 We should be setting up a schedule for inspections
18 and of course test monitoring reports and hopefully we
19 can get them timely to the public without a FOIL
20 request.

21 For its final traffic analysis I would have
22 Stewart's take into account probable future traffic from
23 nearby development - from the Nussbaum property and the
24 construction services businesses, along with any other
25 standard growth forecast.

1 I'm suggesting that you require sheet piling and a
2 guardrail along the back of the shop to prevent
3 rollovers. I asked for a plan from Stewart's in the
4 event of a truck roll over as to how they're going to
5 clean that up. That should be filed with the Town.

6 Somehow you've got to deal with the slope on the
7 entrance and exit to Sunset Road because that thing is
8 way too steep - or not allow one to be built. You should
9 require Stewart's to construct a third lane on Sunset
10 Road and then set up a dedicated left turn to allow a
11 car to see oncoming traffic both ways. I think I
12 mentioned requiring Stewarts to develop plans for
13 investigating the presence of toxic and hazardous
14 materials during the construction phase on the Broughton
15 property and how to deal with fugitive air emissions
16 when they are knocking down buildings. They should have
17 a demolition plan that takes into account the
18 possibility of asbestos insulation that controls
19 fugitive dust safely and legally disposes asbestos and
20 notifies the public in the residence when the demolition
21 will occur to take precautions. That finishes my
22 questions.

23 CHAIRPERSON MAYRER: Thank you, very much.

24 MR. EDWARDS: Hi, Dan Edwards, 1542 Columbia
25 Turnpike. I had no idea this was such a fascinating

1 process.

2 Madam Chairman, Members of the Board, as I said my
3 name is Dan Edwards, son of Dr. John and Peg Edwards,
4 longtime residents and owners of 1542 Columbia Turnpike.
5 My parents are elderly and not terribly well, so they
6 asked me to come have me speak on their behalf tonight.

7 Over the past six months we have observed directly
8 or indirectly the efforts of an organized vocal
9 minority, many of whom are here this evening, to thwart
10 this project which has resulted in calls from reporters
11 from the Times Union to members of our family, negative
12 advertisements and local papers, an online petition,
13 Town gossip and opposition letters sent to this Planning
14 Board and of course the verbal commentary here tonight.
15 This group has attempted to use a variety of biased
16 information to manipulate the perceptions of the
17 community and to this Planning Board including
18 illegitimate claims of historic significance for our
19 property, environmental threats and most recently
20 exaggerated traffic safety concerns. This sequence of
21 various objections revealed the true pattern of intent.
22 They simply do not want this project to proceed in any
23 way, shape or form and have used every available
24 objection to halt progress. While I applaud their civic
25 organization and we are flattered that they appreciate

1 our efforts to maintain a nice property, we believe
2 their fears are unwarranted.

3 We are all entitled to our opinions, however, we
4 are not all entitled to our own facts. The facts are
5 these: Though the properties in question have been zoned
6 commercial for over half a century, the lot that is
7 zoned residential will remain so and partially wooded,
8 according to the Stewart's site plan. One of the
9 properties has been a gas service station for decades.
10 This is not a major change of use and presents an
11 opportunity to correct any historical problems with the
12 existing site.

13 I'm happy to report that I grew up next to the gas
14 station and none of our family have been sickened by it
15 and none of our grandchildren have and we have never had
16 any contamination to groundwater. I'm speaking of
17 Broughton's Service Station. Hundreds of thousands of
18 cars has safely entered and exited these locations over
19 the past 50 years and the New York State Department of
20 Transportation concurs and has already approved the
21 proposed Stewart's access configuration.

22 While part of the Edwards structure is in fact old,
23 the building has been modified and amplified numerous
24 times over the past 50 years and has no historical
25 designation or protections. So much so that the State

1 Historic Preservation Office has concurred.

2 Our family has worked hard to maintain its visual
3 appeal over the years, but we can no longer afford to do
4 so. We have been privately attempting to sell the
5 property for years without placing signs out front,
6 which is our right.

7 Stewart's Shops have been a responsible member of
8 the Schodack community for a very long time. We all run
9 to Stewie's for last-minute bacon and eggs for Sunday
10 breakfast, drinks we needed for family gatherings, gas
11 and fresh coffee before a road trip, the occasional
12 lotto ticket when we were feeling lucky and of course
13 the delicious ice cream. Old-timers were sharing coffee
14 and sandwiches at Stewart's long before Starbucks ever
15 showed up in Town. They are a New York certified for
16 farm safe food handling and environmentally responsible
17 practices. They have an excellent environmental track
18 record with few, if any, legal or regulatory cases
19 related to the sale of gasoline at their locations,
20 which are many. They are also not only a retailer but a
21 valued purchaser of fresh milk and eggs from 30 local
22 family-owned farms, creating valuable jobs in our local
23 communities. Their charitable works are well known.

24 In brief, they are the epitome of corporate
25 responsibility.

1 Lastly, all owners have protected property rights
2 to sell to whomever they wish as long as the purchaser
3 complies with the rules and regulations of the
4 jurisdiction. As appointed officials of the Town
5 government, it is your duty to protect and enforce these
6 property rights even in the face of a local opposition.

7 While continued delays cost the opposition a little
8 bit of time, they cost the principles significant
9 material expense. Continued hearings, investigations,
10 reports and rejections of the site plan will cause our
11 families significant hardship as qualified buyers are
12 few and carrying costs are quite high. My parents can no
13 longer afford to maintain this location in the fashion
14 many here have come to expect. In point of fact, if my
15 parents and legacy Schodack landowners had objected to
16 change as emphatically as some of the folks here, the
17 developments in which some of us reside might never have
18 been constructed in the first place. We wish no one ill
19 will and we do not meddle in the private affairs of
20 others. We would not oppose your right to sell your
21 property when the time came. We ask for the same
22 courtesy in return. It is time to lay the arguments down
23 and proceed since there are no legal, safety or
24 regulatory issues of merit remaining to be explored. Our
25 family humbly requests that the Planning Board approve

1 this project plan without further delay.

2 Thank you for your time and your service to the
3 Town.

4 CHAIRPERSON MAYRER: Thank you.

5 MR. DOLAN: Jim Dolan, Reno Road. I respect the
6 Edwards' family to sell and their rights to do what
7 they want with their property. I understand that.

8 I don't remember a service station on that
9 property. There is a mechanics shop next door but I
10 don't remember any gas sales there. If there was, it
11 certainly wasn't high-volume.

12 I've been in Town for 43 years and it certainly
13 hasn't been most of that time there. Stewart's is a
14 totally different ballgame but their operation compared
15 to a small, basically a mechanics shop. I appreciate the
16 way the Edwards have maintained that property. It is a
17 professional building. On the property for the proposed
18 project includes some areas zoned residential. It has
19 impacted so many people in this room.

20 I live over on Reno off of Miller Road and not as
21 close to the project as most people the web spoken here
22 tonight. I try that way regularly. Dozens of people's
23 property values are going to be destroyed to have a gas
24 station adjacent to their properties. That's not really
25 fair to them. This property would be wonderful for the

1 Town to continue as a professional building, as there is
2 a professional building across the street - the
3 dermatology practice or something like that. That would
4 be the ideal situation with a limited impact on the
5 community. This is just an appropriate use, I think, and
6 I would recommend that the Board not approve it at all.

7 Some people spoke here and they don't approve of
8 this, that or the other thing. I don't think it should
9 be approved. It's just not an appropriate property for
10 this type of operation.

11 We don't need another gas station near the aquifer.
12 We need a protector for the aquifer. People have raised
13 a lot of concerns about that. The applicant and the
14 Planning Board need to provide answers to the community
15 for those. A gas station on this property and a store is
16 a total change of use. Gas stations and stores are not
17 allowed in residential areas. Part of the property is
18 considered residential.

19 I have noticed in Town, as developments have gone
20 in, that people used to have darkness at night and now
21 there are lights 24/7. The surrounding residential
22 homes, when it gets dark outside shouldn't have these
23 lights on all the time. To add that to their environment
24 is deleterious to them and their families. If you allow
25 the project to go through, all lights go off when the

1 store closes at 10:00 or 11:00 or whenever it closes -
2 all lights would go off. They should not be on all night
3 - if you do allow this.

4 As a couple of other people have said, they are
5 P.Es and I'm a P.E. I am retired, but I worked with the
6 State Environmental Quality Review Act for many, many
7 projects. In fact, I administered the preparation of
8 Environmental Impact Statements and Final Environmental
9 Impact Statements and the hearings on same. Many, many
10 issues were raised - better than I can do on the impacts
11 that this project would have on the environment.

12 Under SEQRA, if the project may have a significant
13 impact on the environment, a pos dec is required which
14 would require a Draft Environmental Impact Statement be
15 prepared. I think it is evident that the project may
16 have a significant impact on the environment. Based on
17 what some of the people have said tonight, the project
18 will have a significant impact on the environment, thus
19 requiring a pos dec and an Environmental Impact
20 Statement. The only way one can neg dec a project would
21 be to say that it absolutely will not have a significant
22 impact on the environment and certainly there is no
23 logic to that. This cannot be the case.

24 So, I don't know where the Board is as far as the
25 SEQRA determination. I presume one has not been made

1 yet. If it has - if it was neg dec'ed it should be
2 reversed because obviously from the comments of so many
3 people here tonight, it will have a significant impact
4 on the environment. Traffic, lighting, runoff,
5 groundwater contamination over the aquifer, conditions,
6 tree removal, changes of use of the property - it is
7 crazy.

8 I would ask that if the project is allowed to go
9 through, that you limit the number of trees that are
10 removed from the property. There's 170 trees there now.
11 Maybe say half of them have to stay and not just take
12 them all down and put 9 new trees there. That is kind of
13 crazy.

14 Also, there are Towns that have good requirements
15 through their Planning Boards for new buildings that are
16 built to be signed well using good architectural
17 standards. You have some ugly McDonald's out there and
18 there are some very decent looking McDonald's out there.
19 You have some ugly looking gas stations and stores and
20 then you have some decent looking ones. The Board should
21 be requiring that we have a professional beautifully
22 designed professional building property now. Anything
23 that goes on that site should also be in the same kind
24 of character.

25 Earlier it was recommended the proposing of the

1 sewer. Where does the sewer go to?

2 MR. LABERGE: East Greenbush.

3 MR. DOLAN: As far as I understand, East Greenbush
4 is at their limit as far as sewers. I don't know how
5 they could be accepting more and more units into their
6 site. It doesn't seem to be reasonable that that would
7 be allowed.

8 In any case, I respect the Edwards family's rights
9 of their property and wish them well in their future,
10 but I don't think I gas station store is appropriate use
11 for this property. Thank you.

12 MR. CASH: Lawrence Cash, Nassau, New York.

13 I come before you because I'm very concerned about
14 the aquifer and the traffic. Safety is my number one
15 concern and there are people who brought up legal points
16 here and everything like that. A Full Environmental
17 Impact Study has to be done.

18 As one of the gentlemen stated over there, his well
19 is only 40 feet deep. Any spills or anything that occurs
20 on that site goes directly into the aquifer.

21 My well is 800 feet.

22 Mr. Edwards made some points. He called this group
23 a local minority. I live three exits away off of 90 and
24 it is not in my backyard. I'm just concerned about the
25 traffic and the aquifer. He called us a vocal minority.

1 I haven't heard from the majority. All I have heard is
2 from two people with financial interests. Thank you.

3 CHAIRPERSON MAYRER: Thank you.

4 MR. RAYMOND: I am another fortunate individual
5 that doesn't live in this area. I actually don't even
6 drive through it that often, but I can sit here and I
7 can hear the weight of concerns that all these people
8 in this room that do live by it bring and all of the
9 hardships this is going to create for them. I suppose
10 part of your job is to try to balance hardships. I
11 don't know if that is some of what the planning process
12 does. Certainly there's going to be hardships inflicted
13 apparently - a lot of people believe it's going to be
14 inflicted on them in terms of loss of property values,
15 concerns for their wells, concerns for their health and
16 other things.

17 I'm not that convinced there's a lot of hardship on
18 the Edwards'. There could be. He's tried to make the
19 case that they need to get rid of this property. There
20 are potentially other uses for it. Still, he has the
21 right to sell the property and that's what they want to
22 do. I see a lot more hardships around the just their
23 hardship.

24 In terms of what I keep hoping the Planning Board
25 is going to do is planning and taking a long-term view

1 of the Town -- as a lot of people have already
2 mentioned, what is our long-term view? Is it for a
3 100-year flood? A 500-year flood? What are we
4 experiencing? What should we be planning for? Should we
5 use a 100-foot flood as our top and limit when we know
6 we have passed that any number of times? Should we start
7 thinking in terms of the 500-year flood. We were talking
8 about putting in facilities like this that would be
9 overwhelmed by perhaps even a serious 100-year flood.
10 What are we doing in terms of planning - like people who
11 have brought forward - with the traffic - - what is the
12 endgame for this intersection with all the other
13 projects that are being considered around it and for
14 projects that might develop if this area gets its own
15 sewer system? Will that bring a lot more residential and
16 a lot more traffic for this area? What kind of planning
17 are we doing?

18 The thing I keep also asking - - I have asked you
19 before to please be our advocates. Who does advocate for
20 the people in the room who have these concerns? I don't
21 know anywhere else in the system where it set up than
22 for you to be advocates. I don't know who else would do
23 it in terms of the Town and the fact they are putting
24 human beings on the Board - human beings of - - some of
25 you have engineering degrees. Some of you don't. The

1 idea is that somebody has to represent the Town. So, we
2 decided we wanted some professionals doing it and we
3 want some everyday folks doing it because we want to
4 bring some kind of a human element to all of this. I
5 didn't see a human element at the ZBA. The ZBA said the
6 professional has this opinion and that opinion rules.
7 How do we deviate from a professional opinion? How do
8 you have a professional and human beings on the Board if
9 there's not supposed to be some degree of deviation? Why
10 not have just a Board of hired professionals? Otherwise,
11 I don't understand why the Board exists. So, I can see
12 more of that coming from the Board.

13 From what I know of folks, you are all really good
14 human beings. You are certainly dedicating yourself to
15 being on the Planning Board, which is no small measure
16 of your dedication because there is no great benefits or
17 payment for being on the Planning Board. You giving up
18 nights of the week and time of your day to investigate
19 these things. So, I am sure that you are concerned
20 community members. Who is going to represent the
21 community if you don't?

22 I think it's clear that we have to ask for a full
23 EIS on this. I kind of am jumbled up in my own thinking
24 but this is where we stand in terms of having an EIS on
25 this. We definitely need a full EIS on this.

1 Some other concerns have been brought up of the
2 asbestos from the brakes. Is that just in all of the
3 building or might that have been swept outdoors into the
4 soil over the years? There wasn't a whole lot of concern
5 about dust. Dust was dust. If it had asbestos in it,
6 you swept it outdoors and tossed it outdoors. You toss
7 things down the dry well. If you had a dry well that you
8 stopped using because stuff you no longer wanted down
9 the old dry well - maybe old batteries, or old oils, or
10 old solvents down the dry well.

11 What is under Broughton's? We have no idea.
12 Somebody has to take a serious look at what is there and
13 a very cautious look. I would feel better if the Town
14 had some eyes over that in the form of either engineers
15 or somebody when they are investigating it so we have a
16 clear idea that stuff isn't just being buried and
17 reburied again.

18 When they are stirring up the dust from the land as
19 well as the buildings that are there, are they going to
20 be raising the asbestos dust up in the air?

21 I thought the Hemlocks were curious choice in terms
22 of the trees being chosen because we know that there is
23 a woolly aphid that is destroying a whole lot of the
24 Hemlocks in this part of the country. I don't know if
25 there is some resistant variety that they have chosen.

1 You are more professional than I am and saying there
2 could be better trees to be there if it was not
3 Hemlocks.

4 Definitely long-term planning for the aquifer - - I
5 am always trying to base a lot of my concerns about a
6 lot of things whether I have lived near them or not on
7 what it's going to do the aquifer. Once again I will try
8 to make the case that there is no more valuable asset
9 that this Town possesses than this clean water aquifer.
10 Somewhere down the line if that clean water is gold -
11 maybe not right now but at some point in time it is a
12 very valuable commodity for not only those of us who
13 live here, but perhaps for other people in the future.

14 In terms of that sloping road that goes - - Sunset
15 itself slopes and kind of curves and then you have this
16 access road from the Stewart's coming down and also
17 sloping. They are intersecting each other perpendicular,
18 if I am following it right. That, to me, sounds like
19 it's a great deal of a cause of concern potentially for
20 rollovers and particularly for vehicles coming into the
21 Stewart's from that exit if they are a bit top-heavy in
22 one form or another.

23 Initially we were concerned about delivery trucks
24 coming in that way, but they are saying that the
25 delivery trucks are no longer going to come in that way.

1 Other trucks can. You have a 10 ton weight limit on that
2 road. Is that going to be changed, or is it going to be
3 something that is posted there that discourages heavier
4 and potentially more top-heavy vehicles from coming in
5 that way? I'm just not quite sure in my mind. I can't
6 picture how you're going to discourage who comes into
7 that exit and the fact that they are going to be on a 10
8 ton road.

9 What kind of water system is underneath that road
10 and will bear up the weight of whatever vehicles are
11 going in and out of there?

12 One thing that I want to ask for is that you hold
13 the hearing open. Can you do that in this particular
14 hearing?

15 CHAIRPERSON MAYRER: Why would we hold it open?

16 MR. RAYMOND: For additional comments and stuff. A
17 lot of people and I understand there are quite a few
18 people that are watching via the online system. If
19 those people want to enter comments, what deadline do
20 they have to worry about?

21 CHAIRPERSON MAYRER: Ten days. So, even after it's
22 closed, 10 days.

23 MR. RAYMOND: I would encourage anybody listening
24 that they are aware of that deadline.

25 CHAIRPERSON MAYRER: So, we will make that part of

1 the record, please.

2 MR. RAYMOND: I want to thank you very much for
3 indulging us in this. I got the feeling that you were
4 listening. I hope that matters.

5 CHAIRPERSON MAYRER: I hope so.

6 Now we're going to go into seconds. I want to make
7 sure that everyone who hasn't spoken has had a chance to
8 speak.

9 So, there are some people that want to make some
10 additional comments.

11 So, this gentleman over here.

12 Please, for just new ideas.

13 MR. BURTON: It has come to light that the
14 building would make a fantastic center for Stewart's to
15 do their training. They have facilities for training
16 and that would be an awesome training center. Just keep
17 it in mind.

18 Number two - this Nussbaum project - you have 110
19 homes and you have at least 330 cars. Every house has at
20 least three cars. You going to bring 330 more cars on
21 Sunset Road when Nussbaum has all his access planned on
22 the turnpike. He should be bringing all that traffic out
23 of that complex onto the turnpike where it can handle
24 it. That is a four-lane highway. Why would you have them
25 come and put all of his cars on Sunset to one light? So,

1 I think would be better to have that complex route those
2 cars and people who live there and have them bring them
3 out onto the turnpike. They would get out faster and you
4 wouldn't bottleneck Sunset. With 300 cars can you
5 imagine how bottlenecked that road would become? Can you
6 imagine what kind of tie-up you would have? That's all
7 I've got to say.

8 CHAIRPERSON MAYRER: Thank you.

9 MR. HITTENGER: Sorry I didn't clarify this in the
10 first presentation.

11 My name is Richard Hittenger. One of my questions
12 was regarding catch basin number one. Catch basin number
13 one seems to be a critical catch basin because it is
14 where the flow from the area around the pump islands
15 would enter. That would have to enter either catch basin
16 five, six or number one directly. Number five and six
17 flow into number one. The important reason to look at
18 that catch basin is that catch basin is where the
19 Downstream Defender is piped. It is connected, according
20 to the plans that I looked at, through a 3-inch PVC
21 pipe. At the exact same invert height is a 12-inch PVC
22 pipe that goes to the Storm Tech System. The storm Tech
23 System is basically just a galley system. All it is
24 doing is just allowing water to infiltrate all over the
25 parking lot.

1 If I am reading the plans correctly, it looks like
2 most of the flow in the catch basin number one will
3 actually go into the Storm Tech System and not into the
4 Downstream Defender. So, that is a question that needs
5 clarification.

6 CHAIRPERSON MAYRER: Thank you.

7 Elizabeth.

8 MS. GABLE: Very briefly. How will we know the
9 answer to some of the questions that have been raised
10 here tonight? I would have thought that people would
11 have come prepared to answer some of the questions,
12 especially some of the engineering one about soil type.

13 CHAIRPERSON MAYRER: All of this stuff will go to
14 the engineering -- between Stewart's and engineering,
15 all these questions will be answered and he made part
16 of the public record. So, you will have that. We will
17 make that available to you.

18 MS. GABLE: When will you guys be making your
19 decision?

20 CHAIRPERSON MAYRER: This all depends on what
21 happens with all of this.

22 MS. GABLE: And another thing - just to
23 characterize the homeowners and parents who have come
24 here tonight to express their concerns as this volatile
25 minority, to me, was like the worst PR move a person

1 who has an interest in this could make. I would suggest
2 that the Edwards family hire a realtor, put up a sign
3 and sell that building to somebody who will not also
4 dramatically alter the use that's going to affect the
5 health and welfare and the property values of all these
6 people and that their Town has an interest in property
7 values remaining high so you can tax the crap out of
8 us.

9 CHAIRPERSON MAYRER: Joe.

10 MR. VISALLI: Just briefly, I would like to second
11 what Ken brought up about keeping this public hearing
12 open. From what we have been hearing - not just from me
13 but from everybody else - there are significant issues
14 here that could change that site plan dramatically.
15 There is also the concern - - there is an issue that
16 you might reverse - - I don't know if you have done a
17 negative dec, but if you haven't done one, you're going
18 to have to rule on that. Of course that information
19 would be at a public hearing. I think they given the
20 interest in everything else, it would be a good idea -
21 - this would be my recommendation - to keep this open
22 so the public has a chance to comment on what could be
23 significant changes to this.

24 CHAIRPERSON MAYRER: Okay, thanks.

25 Jim?

1 MR. DOLAN: Just a point of clarification. Has a
2 SEQRA determination been made?

3 CHAIRPERSON MAYRER: No.

4 MR. VANHOOSE: Stephen VanHoose. I just had an
5 idea. Mr. Edwards - his argument in his position - -
6 the Town probably won't consider it, but is there an
7 option like the Town could bring that property into
8 their purview, look at it as a way to start building on
9 the Town center idea and maybe rethink the cheesy sign
10 on the corner that's facing in the wrong direction.
11 Even Broughton's has a little architectural character
12 to it with the steeple and the colors - it is not the
13 prettiest - - may be a little property maintenance code
14 upkeep to it. It does tie into my comments earlier with
15 the consideration of the shift down to where Gumba's
16 is. The entrance/exit's set up a lot better.

17 Actually, thinking about looking at the fill, and
18 the retaining wall everything that Stewart's has to
19 bring into this property without knowing the Gumba's
20 completely, I would think there was some cost savings
21 for them too. I think there is an opportunity for
22 collaboration between the Planning Board and Stewart's
23 to really look at the Nussbaum property and Stewart's -
24 how that whole context works. I didn't even think about
25 the overall context of the one resident who lives right

1 across the street, looking at it. What is the bigger
2 picture around the Stewart's and what driveways are
3 across from Stewart's? The resident who lives right
4 across from the Sunset Road driveway -- I didn't even
5 realize that was the traffic impact there. I'm just
6 trying to help. I want to help and try to do some
7 out-of-the-box thinking.

8 Not to beat the EIS into the ground, but out of
9 consideration and respect for the Town's Aquifer Law,
10 and to reduce confusion among developers and businesses
11 that want to commit to this Town, would it make sense
12 for the Town to consider that if you're going to build
13 new over the aquifer, you're going to do an EIS no
14 matter what? I think that's a fair enough assessment so
15 that way we don't - why does a solar farm have to do
16 one? Why does Amazon have to do one? Why does Stewart's
17 not have to do one?

18 If I remember correctly, I heard a resident who had
19 a business down on 20 years ago - had to do them. It was
20 a small business. I think that will take some of the
21 confusion out of the equation here.

22 I'm just trying to be proactive so we don't come
23 off as sounding so anti-business/anti-development. We
24 want the respect. We want the consideration of the
25 Aquifer Law and for the residents and the Town, but at

1 the same time also make it fair to the businesses.

2 Answer those questions that can be answered to the
3 environmental statements and then with the transparency
4 given to the residents, answer those questions. I think
5 you will find that there may not be as much resistance,
6 for lack of a better term. Maybe for the public hearings
7 - - if I could make a suggestion. Again, it was
8 mentioned earlier about the availability of drawings on
9 the website. I don't know if you get PDFs -

10 MS. FUDA: I would need a full-time webmaster to
11 do that.

12 MR. VANHOOSE: Or the applicants that come in for
13 a public hearing - make 11 x 17's available to some of
14 the people - some of the residents in the room. At
15 least we can see what the Planning Board is looking at
16 because I think it would help because not all of us
17 completely understand reading the plans but for some of
18 us that do, I think it would help. It's just another
19 way to help with the transparency for the Town. Thank
20 you.

21 CHAIRPERSON MAYRER: Thank you.

22 MR. PADDOCK: Hi, Stan Paddock, again.

23 I am personal friends with the Edwards family. They
24 are great neighbors and Richie Gratton for the 30 years
25 that I have lived here. I don't want to stand in

1 anybody's way and getting along with their lives,
2 developing whatever they want to develop. I'm not
3 familiar with the Planning Board processor or anything.

4 When I heard about it, I thought it was important
5 because it's right across the street from me.

6 I see an incredible amount of expertise and
7 knowledge and concern here that a community that I
8 really appreciate.

9 I really do like Schodack as a Town. I have raised
10 my family here and I would just say that there is one
11 concern that I have thought about and I did live right
12 there and over the years I have personally witnessed the
13 aftermath of some seriously horrific car accidents -
14 high-speed T-boning where mothers are hysterical because
15 their children are knocked unconscious in the backseat
16 and not even know if they were alive or dead. It happens
17 on a pretty regular basis to different degrees. There
18 has been some very serious accidents.

19 My biggest concern is that with all this being a
20 public record, is if something really bad did happen
21 because of the traffic - increase traffic, there might
22 be a liability issue and I don't know if the Board
23 Members are liable or not, but maybe the Town would be
24 liable. There could be serious repercussions, liability
25 wise - or maybe Stewart's. I don't know. It's my feeling

1 that whatever gets done can be done and both sides could
2 be very well at ease with what's going on. I think that
3 if concerns are listened to and there's a better
4 communication process such as people who are able to see
5 the plans online and there is more - like you said -
6 transparency, I think my impression is it is kind of
7 accelerated that I'm not familiar with the process so
8 I'm not really qualified to comment. I just think that
9 the concern about the liability and I do think that with
10 everybody here, something could be worked out some way.
11 Thanks.

12 CHAIRPERSON MAYRER: Thank you.

13 So, members, comments? What is your pleasure? You
14 want to keep the hearing open?

15 MR. LAVOIRE: I move to keep it open.

16 CHAIRPERSON MAYRER: I have a motion to keep it
17 open.

18 MR. SHAUGHNESSY: I will second that.

19 CHAIRPERSON MAYRER: All in favor?

20 (Ayes were recited.)

21 So, we will just have a continuance. Everyone on
22 the Board is in favor of keeping the meeting open. That
23 means we get to do this all again, depending on the
24 comments.

25 Anything else, Members? Comments?

1 (There was no response.)

2 Thank you all. Your comments were great and you
3 will have a chance because there will be another
4 hearing. There will be continuance of this one. I really
5 appreciate your coming out this evening.

6 MR. PULISFER: I don't understand. There's a store
7 it's a half a mile down the road. Why do you have to
8 build another one?

9 CHAIRPERSON MAYRER: You have asked that question
10 in the past.

11 FROM THE FLOOR: When will the meeting be
12 scheduled?

13 CHAIRPERSON MAYRER: We will have to wait for
14 engineering. Until we get some substantive responses
15 and aggregate all of this - we will post it.

16 Thank you, everyone.

17 (Whereas the above entitled proceeding was
18 concluded at 9:03 p.m.)

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CERTIFICATION

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

NANCY L. STRANG

Dated _____

