

**VILLAGE OF SCOTIA  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
OCTOBER 30, 2017 – 7:00 P.M.**

**ATTENDANCE:** Jeffrey Parry, Kenneth George, Heather Gray, Dinemayer Silva, E. Thomas Neals, Alternate Susan Duchnycz, Alternate Bonnie Belfance, Building Inspector Luis Agüero, Attorney Lydia Marola, Board Liaison Thomas Tiberio and Catherine Busher.

**Voting Members for tonight’s meeting:** Jeffery Parry, Heather Gray, Dinemayer Silva, Kenneth George, E. Thomas Neals

**Case #1: CUMBERLAND FARMS, INC. AND LEONARD ATTANASIO – SCOTIA, NY 12302**

The applicants, Cumberland Farms, Inc. and Leonard Attanasio are interested in razing and rebuilding the Cumberland Farms at 222 Mohawk Avenue, Scotia, NY 12302. The new store will be 4,794 square feet and the site will also have a four pump fueling island. The application requires Zoning Board of Appeal’s approval in accordance with Village Codes Sections:

- 250-26 C. (3) – Yards required. Rear yards: At least 20 feet deep.
- 250-26 D. – Parking requirements. See Article XIII, 250-55 B. (6) – Retail Stores and Shops: parking areas equal to 2X the floor space of total store area.
- 250-26 F. – Driveways, entrances and exits. See Art. XIII, 250. 57 A. – Driveways shall not exceed 30 feet in width at the curb or street.

The area variance rules and regulations that have to be considered in the granting of an area variance are:

- whether an undesirable change would be produced in the character of the neighborhood
- whether the benefit sought by applicant can be achieved by a feasible alternative to the variance
- whether the required variance is substantial
- whether the variance has an adverse impact on the physical or environmental conditions in the neighborhood
- whether the alleged difficulty was self-created

These rules and regulations have to be evaluated as a whole by the members of the Zoning Board.

Stefanie DiLallo Bitter, Legal Counsel for Cumberland Farms, Inc., introduced herself, James Gillespie, Project Engineer for Bohler Engineering and Wendy Holsberger, PE, Director of Transportation for VHB. The existing store is approximately 2,400 square feet and the proposed new store will be approximately 4,794 square feet.

The applicants are requesting a redevelopment project at 222 Mohawk Avenue (Cumberland Farms). The applicants are requesting the demolition of the existing building, the existing restaurant located at 220 Mohawk Avenue and the single family residence located at 4 Center Street to construct a 4,794 square foot convenience store with a four pump fuel island with eight dispensers.

It was stated by Stefanie DiLallo Bitter that according to the drawings the proposed store will have colonial architecture, siding, stone columns and will be pleasing to the eye. Due to the meetings and studies conducted, the applicants believe that the position of the store and fuel pump island will be

beneficial to the neighbors and community. Stefanie DiLallo Bitter met with several property owners on James Street and they did not have any issues with the proposed site. Not only will it improve the current structure due to the updates and new façade; it will be offering new items and services to the community. The revitalization project that they are doing to Cumberland Farms will enhance the neighborhood and not cause any detriment to the neighborhood.

The following variances are needed. One is for a setback from the rear property line. This property is in a Retail Commercial District which requires a 20 foot setback. As shown in the concept plan, the convenience store is located in the rear of the site with a pump island closer to the street. The pumps exceed the 20 foot setback from the side and/or rear property line and the convenience store is 15.2 feet from the rear property line. Another variance is also needed for parking as stated in Section 250-55 (B) (6). Because of the size of the retail building, 48 parking spaces are required but it is a retail store with short interval parking expected; Extended long periods of time for parking is not anticipated and only 25 spaces are required. These 25 spaces include ones around the building and the ones near the fuel island. Currently there are 17 spaces on the site. Because of these factors it will require the variances as described.

The Village of Scotia Planning Board made a positive recommendation to the Village of Scotia Zoning Board for the Zoning Board to review the Parking and the Rear Setback areas. However, the applicants do not have a final plot plan. They will get a final plot plan if the ordinances are approved.

The Board questioned the 30 foot curb cut and if the curb cut is measured at the curb will it then exceed the recommended footage. It was stated by the applicants that it is a standard NYSDOT curb cut according to their regulations. There was also a question as to the number of pedestrians traveling on the site. The applicants stated that the number of pedestrians on the site should remain the same.

Also, the Board questioned the additional store footprint size and if this would cause additional business, increase vehicle traffic and pedestrian flow. Also, were there traffic studies done for this project? Wendy Holsberger, PE, Director of Transportation for VHB stated that there were studies done. Also, they did a deferential analysis of the amount of people who potentially would be visiting the store and the amount of time they will be spending in the store. Also, Wendy Holsberger stated that their company did a traffic study for existing traffic and potential traffic for the new project. Vehicle traffic is about 30 trips in the morning and 17 trips in the afternoon. All the traffic activity in and out of the store will be alleviated because of the configuration of the proposed project. There will be more space available due to the demolition of the restaurant next door and the location of the dental office at 214 Mohawk Avenue.

The Board also had issues with traffic flows, the number of vehicles on Center Street, the intersection of the site and vehicles traveling east on Mohawk Avenue and turning left into Cumberland Farms. This is a concern especially in the morning when there is an increase in traffic on Mohawk Avenue which causes congestion of vehicles in that area. Wendy Holsberger stated that the two site "driveway" intersections provide adequate vehicle access. Wendy Holsberger stated that she has been in this area and driven the traffic patterns and there is adequate entry and exit access.

The Board also questioned the functions of Cumberland Farms because the Village already has a supermarket, Gabriel's, right across the street from the existing store. Stefanie DiLallo Bitter stated that Gabriel's is a specialty supermarket and has a totally different function. Cumberland Farms is and will continue to be a convenient store with quick access to consumers for purchasing items.

Accident history does not show any pedestrian accidents.

A drawing was shown of the proposed store and canopies. The representatives for the applicants believe that with the position of the canopies near the fuel pump islands a buffer would be provided for the neighbors in that area.

Cumberland Farms has perused this site and many other Cumberland Farm's sites and because of the data they received this will be an improvement to the existing store.

James Gillespie, PE for Bohler stated that there will be adequate delivery access. They will also construct a drainage swale for water runoff.

Snow will be removed from the store's parking lot.

The following residents in attendance had concerns:

- Cindy Carrow who owns 225 James Street had issues with noise from the trash collection of the existing dumpster and the traffic at the store. In addition, she feels that if she tries to sell her property, the store will cause the price of her house to be lower.
- Jeffrey Backer, DDS who owns the dental office at 214 Mohawk Avenue had a suggestion about adding additional parking spaces in the green area at the top part of the plan. This might be feasible if the area is converted into parking spaces for staff members. He thought his idea to add the approximate four spaces would be a favorable one. He is overall in favor of the project.

Luis Agüero, Scotia Building and Plumbing Inspector stated that this plan is not yet complete. The plot plan will be finalized when and if the Zoning Board approves it. It is very costly to complete the plot plan first and then submit it to the Zoning Board. The application will go back to the Planning Board if it is approved and then it goes before the Village Board of Trustees.

Luis also stated that it will be an improvement to the neighborhood. It is expected that lighting will be improved, the walkway will be on the Center Street side away from vehicles which will enhance Center Street. The curb cut should not be more than 30 feet. However, it was approved for 50 feet and cannot be more than that.

Luis also explained that there is not a variance needed for the parking. The Village Code states it should be 9 feet x 18 feet which agrees with the NYS Uniform and Traffic Safety Code.

It is a residential use area but zoned for commercial use. All houses are residential and all lots will be in one section, block and lot when it is approved.

The public hearing portion of the meeting closed at 8:02 p.m. and deliberations began. Schenectady County Economic Development and Planning stated they will modify/conditionally approve the application upon NYS DOT approval. SEQRA is required for this application and was determined by the Board to have a nonsignificant declaration or impact to this application.

After some discussion, the following motion was made.

**MOTION:** Chairperson Jeffrey Parry made the following motion. I move that the application submitted by Cumberland Farms for area variances to raze the existing store and build on the property located at 222 Mohawk Avenue, Scotia, New York 12302 be granted. The proposed application will permit demolition of the existing store, the restaurant, The Tartan, on Mohawk Avenue and the residence located at 4 Center Street. The new store will be 4,794 square feet and the site will have a four pump fueling island with eight dispensers. There will not be an undesirable change in the character of the neighborhood or a detriment to nearby properties because of the configuration of the store. This particular benefit cannot be achieved by a feasible alternative to the variance because to construct a store this size the proposed demolition of the above stated properties has to be conducted. It was self-created but the applicants will be improving the construction of the facility and that should enhance the neighborhood. The lighting and signage will be the Planning Board's decision. It is not tremendously substantial. It does not have an adverse impact on the physical or environmental conditions in the neighborhood because the store is already on the site and the anticipated new construction to the building will improve the surrounding neighborhood. The storm water drainage will not be impacted because a drainage swale will be included in their plan. In addition, snow removal will be moved off site. The motion was seconded by E. Thomas Neals.

**Motion:** Jeffrey Parry **Seconded:** E. Thomas Neals  
**Ayes:** Jeffrey Parry, E. Thomas Neals, Dinemayer Silva, Kenneth George, Heather Gray  
**Nays:** None **Abstentions:** None  
**Motion Granted.**

**MOTION:** There was a March 20, 2017 meeting and E. Thomas Neals made a motion and Kenneth George seconded to accept the Minutes of the meeting as submitted.  
**Motion:** E. Thomas Neals **Seconded:** Kenneth George  
**Ayes:** E. Thomas Neals, Kenneth George, Heather Gray, Jeffrey Parry, Dinemayer Silva  
**Nays:** None **Abstentions:** None  
**Motion Carries.**

**Training Status Report:**

Current Training Hours:

Heather Gray	-5.5
Kenneth George	-6.5
Jeffrey Parry	9.5
Bonnie Belfance	-6.5
Dinemayer Silva	-5.5
Susan Duchnycz	-2
E. Thomas Neals	-4

**Motion:** There was a motion to adjourn the meeting at 8:10 p.m.  
**Motion:** E. Thomas Neals **Seconded:** Heather Gray  
**Ayes:** E. Thomas Neals, Heather Gray, Kenneth George, Dinemayer Silva, Jeffrey Parry  
**Nays:** None **Abstentions:** None **Motion Carries.**

Respectfully submitted, Catherine Busher, Zoning Board of Appeals Clerk

November 8, 2017 File Date