

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 CUMBERLAND FARMS

5 211 TROY-SCHENECTADY ROAD

6 SKETCH PLAN REVIEW

7 \*\*\*\*\*

8 THE STENOGRAPHIC MINUTES of the above

9 entitled matter by NANCY STRANG-VANDEBOGART, a

10 Shorthand Reporter, commencing on May 7, 2013 at

11 7:18 p.m. at The Public Operations Center, 347 Old

12 Niskayuna Road, Latham, New York

13 BOARD MEMBERS:

14 PETER STUTO, CHAIRMAN

15 BRIAN AUSTIN

16 KAREN GOMEZ

17 TIMOTHY LANE

18 SUSAN MILSTEIN

19 KATHY DALTON

20

21 ALSO PRESENT:

22 Joe LaCivita, Director, Planning and Economic Development

23 Stefanie Bitter, Esq.

24 Chris Boyea, Bohler Engineering

25 Brad Grant, PE, Barton and Loguidice

Paul Wilson, Cumberland Farms

1                   CHAIRMAN STUTO: Next on the agenda is Cumberland  
2 Farms, 211 Troy-Schenectady Road. This is for a  
3 4,513-square foot convenience store and fueling canopy,  
4 and this is here for sketch plan review. Barton and  
5 Loguidice is the Town's Designated Engineer.

6                   Joe, do you have an introduction on this one?

7                   MR. LACIVITA: This is just for sketch plan and  
8 we'll turn it right over to Cumberland Farms'  
9 representatives.

10                  MS. BITTER: Good evening. I'm Stefanie Bitter  
11 and I'm local counsel for Cumberland Farms. I'm here  
12 with Chris Boyea of Bohler Engineering.

13                  We're looking to develop 211 Troy-Schenectady  
14 Road. We've had the opportunity to go through DCC  
15 review and have incorporated a lot of those  
16 comments that were made by the departments.

17                  Tonight we're trying to receive the Planning  
18 Board's feeling on the proposal. In doing so, we  
19 had incorporated the access elements that were  
20 incorporated with the subdivision approval that  
21 was in 2006. We've also taken consideration of  
22 the neighborhood and the uses surrounding this lot  
23 to make sure that it's compatible to those uses.

24                  And in saying that, I'm going to turn it over  
25 to Chris to talk more about the layout.

1 MR. BOYEA: Good evening. For the record, my name  
2 is Chris Boyea. One other person that made the trip in  
3 is Paul Wilson from Cumberland Farms. He made the trip  
4 in from Boston, so that he could see first hand whether  
5 he should invest more money or maybe look for other  
6 opportunities.

7 As Stefanie said, currently this is a vacant  
8 lot. This is Troy-Schenectady and this is  
9 Swatling Road (Indicating). We have a vacant lot.  
10 Stewarts is right across the street from us on the  
11 other side.

12 CHAIRMAN STUTO: Are you on the corner, or are you  
13 on the end?

14 MR. BOYEA: We are on the corner. Currently it's  
15 a vacant corner next to Stewarts. What we are looking  
16 to do is develop a state of the art Cumberland Farms  
17 here.

18 As you'll see from the illustration, we're  
19 willing to build quite a nice facility here at  
20 this location to make sure that the Town is  
21 comfortable with it. It's not going to have a  
22 flat roof. It's being proposed as a gable roof  
23 with dormers, a nice entry over the top and  
24 colonial trim over the top of the canopy. This is  
25 just an illustration so that you can find out

1 exactly what we would be coming in with, should we  
2 proceed in the process.

3 CHAIRMAN STUTO: Can we see that a little more  
4 closely?

5 MR. BOYEA: Absolutely.

6 (Mr. Boyea approaches the Board with  
7 elevations.)

8 MR. BOYEA: On the site side of it, we have met  
9 with Town staff and they have taken a look at this and  
10 the plan that was submitted today for your review is  
11 quite different than the original plan that we  
12 submitted. Originally, Cumberland Farms proposed their  
13 building here with two accesses off of the highway here  
14 and then an access across from Stewarts here  
15 (Indicating). The Town came back and said that we  
16 would like to do a little bit better overall planning  
17 for this, as it's part of the bigger site that could be  
18 there. They asked if we could push your entrances  
19 further from this intersection, so that it could be  
20 shared with the next lot so that we could have one  
21 shared access. They also asked if we could push this  
22 access from Stewarts all the way down Swatling Road as  
23 there is some stacking here that happens at Swatling  
24 Road. Cumberland has gone ahead and said that we can  
25 accommodate those, but every time that we do something,

1 we're making ourselves at a little bit of a competitive  
2 disadvantage from an easy in and out at Stewarts. Our  
3 customers will now have to drive into the site further  
4 around than just a straight shot into our parking lot.  
5 We're here tonight to talk about the layout and make  
6 sure that this Board is comfortable with what is  
7 proposed and the reasonings for why we are seeking some  
8 waivers from the design standards. We're in a COR  
9 district, so it's an allowed use.

10 However, in this area of the site you'll see  
11 that there is single family residential behind  
12 Stewarts, and then there is a residential  
13 apartment complex behind us. So, for us to pull  
14 our canopy up right up to the 20 foot setback  
15 and/or the building would mean a substantial  
16 different site plan which could put all our action  
17 - all of our car turning movements, car  
18 headlights, fuel delivery and everything else in  
19 direct view of the residential back here. We want  
20 to mimic what Stewarts has adjacent to us, where  
21 the building itself buffers the residents that is  
22 behind it. The canopy is in front and the  
23 circulation is out in front and that provides the  
24 layout that you see that we're here with today.

25 So, we're here to get the initial feedback to

1 see if this layout is going to be acceptable. We  
2 can work with those entrances as far away as they  
3 are.

4 CHAIRMAN STUTO: Are you saying that you're  
5 pushing the building slightly back?

6 MR. BOYEA: No, the canopy sits here, and it's  
7 approximately 30 or 40 feet off of the front of the  
8 property line and the building sits behind the canopy.

9 CHAIRMAN STUTO: Where does the waiver come in?

10 MR. BOYEA: The waiver comes in that the building  
11 and/or the canopy would have to be put right up to the  
12 property line -

13 CHAIRMAN STUTO: So, you're pushing the canopy  
14 back a little bit.

15 MR. BOYEA: That's correct. That's the main  
16 waiver that we're looking at. The canopy goes back and  
17 the building goes back from what the design suggestions  
18 are.

19 CHAIRMAN STUTO: I think that we'd like to hear  
20 from our Town Designated Engineer.

21 MR. GRANT: Chuck Voss is the PM on this project  
22 and he had to be somewhere else. He did go over the  
23 file with me and the changes that Chris noted are  
24 upgrades from what I have on my plans which were the  
25 original DCC submission.

1           I thought that was a pretty good discussion  
2           and there was a requirement for a cross lot access  
3           easement there. Essentially, they're looking at a  
4           shared driveway there. There would have to be an  
5           agreement presented for that cross lot access  
6           agreement.

7           This is going to be a stormwater hot-spot.  
8           There are requirements in the New York State DEC  
9           design manual for that. There are some  
10          pretreatment requirements. I know that the DCC  
11          documents have infiltration proposed and a fresh  
12          review of their guidelines; perhaps a discussion  
13          with them would be needed.

14          I know that you had some success in other  
15          areas, but generally where there is a chance of  
16          fuel spills and infiltration, that is looked at  
17          with a jaundice eye. Perhaps the total volume of  
18          the extreme storms -- that's a possibility.  
19          Oil/water separators are often part of that  
20          pretreatment.

21          This seems quite an improvement. One of the  
22          concerns was in the originally plan where the  
23          underground fuel storage tanks were going to be  
24          and how the large fuel carriers would come in and  
25          be able to maneuver, fill up these tanks without

1           undue impacts on the customers and the employees  
2           parking. The fuel tanks used to be off on the  
3           east side where that entrance is and I think that  
4           this is a vast improvement in putting it over on  
5           that side.

6                        There was in a previous requirement a  
7           subdivision in the back -- I can't remember if  
8           that was a PDD, but there was an understanding of  
9           a previous Planning Board action that anything  
10          that develops on this lot allow for combined  
11          access and they have been responsive and moved it  
12          further away from the intersection, which I think  
13          DOT would like. When you have high frequency  
14          ingress and egress that is that close to a busy  
15          street like Route 7, there is the potential for  
16          issues.

17                       That's about all I had, Pete.

18                       MR. LANE: So, this basically is in regard to the  
19          older memo that discussed the access.

20                       MR. GRANT: Yes, this is a revised version of  
21          that.

22                       MR. BOYEA: Again, Cumberland has put its best  
23          foot forward here tonight with those elevations. This  
24          type of layout addresses as many of the concerns that  
25          we can. This is just to make sure that this is an



1 acceptable layout. We're going to be back with full  
2 grading drainage plans, landscaping and lighting plans,  
3 but we just want to make sure that the layout is  
4 acceptable.

5 MR. GRANT: Pete, one thing that I would add is  
6 that during our bus trip last year we stopped at a  
7 competitor's establishment. One of the items that  
8 really appealed from that site is the canopy design  
9 itself. It was a tall profile and it has cornis and a  
10 cross-section to it. Most importantly, it hid those  
11 not good looking red fire suppression things on top.  
12 It had a good curb appeal.

13 CHAIRMAN STUTO: Do you think that this has it?  
14 The building looks decent to me. I was going to  
15 comment on the architecture. We have emphasized with  
16 some of your competitors that have been revamping and  
17 putting in new facilities that the architectural  
18 features were particularly important to this Board and  
19 they have complied with our request. When I got my  
20 turn to speak, I was going to ask you to talk about it  
21 in little more detail - the architectural features.  
22 The thing about the canopy -- I think that you're  
23 saying that this could use a little bit more  
24 improvement. Are you saying that?

25

1                   MR. GRANT: I'm just throwing it out there as an  
2 item.

3                   CHAIRMAN STUTO: Do you want to go over the  
4 architectural details briefly?

5                   MR. BOYEA: Sure. What's being shown in that  
6 picture right there is a four-sided facility.

7                   CHAIRMAN STUTO: Is that wood?

8                   MR. BOYEA: That's something that we can work out  
9 the details on. That's the colonial look that we would  
10 be going for. The gabled roofs are true all the way  
11 around, except for in the rear. There will be a cut  
12 out so that we can have HVAC units up on the roof, but  
13 it would be hidden from any type of view; from Swatling  
14 and this intersection driving either way (Indicating).  
15 So, that would be hidden behind. The canopy you see  
16 there doesn't have as much trim work as the canopy that  
17 I think Brad is referencing there. If you look at  
18 that, I'm sure that we can have a colonial  
19 cornis-looking trim around here that matches the  
20 building. I'm sure that we can tie those types of  
21 things in together as well. I believe that we have  
22 simulated divided-like windows and there are lots of  
23 additional detail that we can talk about.

24                   CHAIRMAN STUTO: The mechanicals are going to be  
25 on top?

1 MR. BOYEA: We can hide that from view. The  
2 canopy does get a little bit deeper, but we can work  
3 with you on that to have something that's acceptable  
4 there.

5 So, on the windows in the front we have some  
6 singular and divided. It looks a little bit  
7 colonial, and a break up in the interest that's  
8 there.

9 The other thing that you're going to notice  
10 on here off to the side is there is a small  
11 outdoor patio seating area and it encourages the  
12 pedestrian amenity. So, we have three tables  
13 there so that people can sit and enjoy either a  
14 sandwich or - again, this is a 4,500 square foot  
15 store. If you put that in perspective, a Stewarts  
16 is 2,400 square feet, approximately. We are going  
17 to offer a lot more ready to go food, sandwiches  
18 and things of that nature for that person on the  
19 go.

20 CHAIRMAN STUTO: We'll just open it up to the  
21 Board. Is there anybody who wants to ask questions?

22 MS. DALTON: It looks very nice.

23 MS. MILSTEIN: What are the hours of operation?  
24 Is it going to be 24/7?

25 MR. BOYEA: We would seek 24/7, so that we had the

1 right to do that. A lot of them are market driven.

2 MR. AUSTIN: Do you see the market bearing  
3 competition as far as being so close to your  
4 competitor?

5 MR. WILSON: We would like to try the 24 hours  
6 here.

7 MR. AUSTIN: I'm talking more about the location  
8 of the store next to Stewarts.

9 MR. WILSON: We think that this is a decent  
10 location. I think that as we mentioned, we have  
11 considered access being competitive there.

12 MR. AUSTIN: And you're right across the street  
13 offering food and all the amenities. You see that the  
14 market is good for that?

15 MR. WILSON: Yes.

16 MR. BOYEA: This is a sizable investment, as you  
17 can see. Cumberland does do their market studies.  
18 Cumberland is not new to this area, either. What  
19 Cumberland has in this area is a lot of outdated  
20 stores, so it's time to step it up.

21 MR. LANE: As you know, I've seen this before. I  
22 can't see exactly, but do you have a dumpster location?

23 MR. BOYEA: We do have a trash location. It's  
24 back here at the service entrance door (Indicating).

25 MR. LANE: Snow storage?

1 MR. BOYEA: We have plenty of that. In fact it  
2 should be pointed out as you look at this site that we  
3 have 2.4 acres here. Usually our sites are one acre.

4 MR. LANE: So, the snow will be store on site?

5 MR. BOYEA: Absolutely.

6 MR. LANE: I know that you mentioned that you're  
7 doing an expansion. Is this in addition to the  
8 location that you were looking at on Broadway in  
9 Menands?

10 MR. BOYEA: I think that it's a different market  
11 all together. In fact we have several Cumberland Farms  
12 projects active right now. I don't think that it's one  
13 or the other.

14 MR. LANE: So, you're looking at several others in  
15 the Town or in the region?

16 MR. BOYEA: Within the region.

17 MS. GOMEZ: I think it's very nice.

18 MS. MILSTEIN: Very nice.

19 CHAIRMAN STUTO: I personally think that the  
20 building looks nice. You've heard our comments on  
21 architectural features that we'd like to work with you  
22 on. The layout looks good.

23 MR. LANE: What about angled pumps in relation to  
24 the way that the cars flow in and out? Rather than  
25 perpendicular to the road, you could use a 45 degree

1 angle pump to help move the cars in and out.

2 MR. BOYEA: There are a couple of thoughts for gas  
3 station designs on that. Certainly, Cumberland has a  
4 lot of them. In this particular case, angled pumps  
5 wouldn't be as advantageous because we have two pumps  
6 in series here. We actually have eight dispensers out  
7 front. So, if we were to angle them, we'd have to try  
8 to angle all of them. That's going to restrict some of  
9 the traffic flow there.

10 MR. LANE: How would that restrict traffic flow?

11 MR. BOYEA: Because everything would be going in  
12 one direction. Because we have two in series, if the  
13 person in front of you only got \$30 in gas and you only  
14 get \$8 in gas, you're going to back up. We want to  
15 keep the traffic flow pattern. You want to be able to  
16 go around the person in front of you.

17 MR. LANE: I'm not sure how the flexibility  
18 effects that.

19 MR. BOYEA: The other item on that is that there  
20 is a law in New York State. The clerk or the cashier  
21 behind the counter has to be able to visually see out  
22 to all of these dispensers. If we start angling them,  
23 we can't visually see them with cameras or monitors.  
24 The reason for that is fire safety.

25 There is emergency fire suppression button.

1 If it doesn't go off on its own, there is a  
2 problem, there is a visual button that can be  
3 pushed for that.

4 CHAIRMAN STUTO: Maybe you can think about his  
5 statements and when you come back you might be able to  
6 think of some alternatives.

7 MR. BOYEA: Sure.

8 CHAIRMAN STUTO: Brad, I don't know if you have  
9 any thoughts. I don't know if you could angel the  
10 whole building.

11 MR. GRANT: The line of sight is an important  
12 issue.

13 CHAIRMAN STUTO: Okay. I don't think that the  
14 waiver is a huge issue.

15 MR. BOYEA: That's why we're here tonight and we  
16 didn't come in for concept approval. We wanted to get  
17 a feel for the wavers.

18 CHAIRMAN STUTO: I personally don't have a problem  
19 with the waivers.

20 Anybody else want to comment on that?

21 MR. LANE: No, that sounds reasonable to me.

22 CHAIRMAN STUTO: Thank you for coming in.

23 MR. BOYEA: We appreciate the time and look  
24 forward to coming back. Thank you.

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(Whereas the above proceeding was concluded  
at 7:41 p.m.)



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CERTIFICATION

I, NANCY STRANG-VANDEBOGART, 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 STRANG-VANDEBOGART

Dated May 20, 2013

