

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 CUMBERLAND FARMS
1159 TROY SCHENECTADY ROAD
APPLICATION FOR CONCEPT ACCEPTANCE
5 *****

6 THE STENOGRAPHIC MINUTES of the above entitled
Public Hearing by NANCY L. STRANG, a Shorthand
7 Reporter, commencing on May 24, 2016 at 8:13 p.m. at
The Public Operations Center, 347 Old Niskayuna Road,
8 Latham, New York.

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10 BOARD MEMBERS:
PETER STUTO, CHAIRMAN
11 LOU MION
SUSAN MILSTEIN
12 CRAIG SHAMLIAN

13

14 ALSO PRESENT:

15 Kathleen Marinelli, Esq. Counsel to the Planning Board
Joseph LaCivita, Planning and Economic Development
16 Department
Stephanie Bitter, Esq., Cumberland Farms
17 James Gillispie, PE, Bohler Engineering
Chuck Voss, PE, Barton & Loguidice
18 Don Allard, Conservation Advisory Council
Susan Quine Laurilliard
19 Joseph Grasso, PE, CHA
Wendy C. Holsberger, PE, Creighton Manning

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1 CHAIRMAN STUTO: Next on the agenda is
2 Cumberland Farms, 1159 Troy Schenectady Road,
3 application for concept acceptance, 4,786 square foot
4 convenience store with eight pump fuel canopy.

5 Joe LaCivita?

6 MR. LACIVITA: This site, you may remember.
7 The site 1159 Troy Schenectady Road received concept
8 for another mini mart. Tonight we have here a less
9 intense use of Cumberland Farms. It was before us with
10 the DCC August 12, 2015 and shortly thereafter we had
11 it here for sketch. We are here tonight for a
12 reaffirm of concept for Cumberland Farms specifically
13 and the CAC will have some comments here as well.

14 This project is in the airport GIS and that
15 will take mitigation fees as we get closer to final.
16 It's a COR zone so it's appropriately zoned.

17 I'll will turn it over to Stephanie Bitter.

18 MS. BITTER: Good evening. I'm Stephane
19 Bitter, local counsel for Cumberland Farms here this
20 evening with Jim Gillespie from Bohler Engineering.

21 The site is 1159 Troy Schenectady Road and that
22 is the specific address for this property. We were
23 before you for sketch in August and are here for
24 concept this evening.

25 This is a replica of 211 Troy Schenectady Road,

1 which is on the other board here (Indicating). The
2 store size is 4,786 square feet. It's just a little
3 bigger than 211 Troy Schenectady because we are
4 including a vestibule in this project. There are
5 eight pumps that are associated with the site. The
6 parcel size is larger than normally achieved by
7 Cumberland. It's 4.53 acres and we are actually
8 utilizing two parcels in the 1171 Route 7 subdivision.
9 These parcels will be merged as part of the
10 application procedure. The parcel will share access
11 with the adjacent lands, as demonstrated in the site
12 plan. Creighton Manning has been retained to do a
13 traffic study relative to access on Troy Schenectady
14 Road as it's depicted here.

15 This parcel is currently vacant and as Joe had
16 mentioned, concept approval was achieved by Fastrak in
17 the past. This project is smaller in size and does
18 not include a drive-thru.

19 The zoning requirements of this project are
20 achieved in the sense that this is a one-story
21 colonial design building. It incorporates many
22 architectural features such as stonework and columns
23 that are carried over with the canopy. There are 48
24 off-street parking spaces that are incorporated with
25 this project. Outdoor seating, a bike rack for

1 pedestrian accessibility are included. This is a
2 24-hour facility, open seven days a week operation.

3 Because this is in the COR we understand that
4 we are seeking waivers which were discussed at sketch.
5 They are the same waivers that we were requesting with
6 211 Troy Schenectady Road. One is that the canopy be
7 placed in the front and parking be included in the
8 front - that we have this setback further back than
9 the maximum, as well as those parking space sizes. We
10 believe that as demonstrated with the Troy Schenectady
11 Road project at 211, that incorporating these waivers
12 do not provide a negative product.

13 I'm going to turn it over to Bohler for some
14 further information.

15 MR. GILLISPIE: Good evening everybody. We
16 received a number of comments from DCC and Barton and
17 Loguidice. A lot of those are going to be addressed
18 in our preliminary application. A lot of them are
19 mostly comments on detail that we provided --
20 stormwater management and there are some access
21 comments. As stated, we have retained Creighton
22 Manning and they are going to prepare a traffic study
23 and we'll address those with DOT going forward.

24 We did make a number of changes since the
25 concept review. We've added decorative fence along

1 the frontage. Again, we'll add some more detail to
2 that with landscaping to go along with that to get the
3 80% build-out. We relocated some signs. There were
4 some comments regarding that. There were also some
5 comments regarding pedestrian access, which we are
6 going to work with the Planning Department. As far as
7 I know there was some interest in a future bike path.
8 So, we wanted to get a little bit more information on
9 that before we nail down where that pedestrian access
10 is going to be. Maybe those could coincide. Again,
11 for that preliminary submission, we'll address that
12 pedestrian access.

13 As Stephanie mentioned, we did add a bike rack
14 and a masonry dumpster. Again, some of the screening
15 comments to address in our preliminary submission --
16 and then we answered some of those utility details and
17 some of the easement questions which were also
18 addressed in this submission. I think that we've
19 brought the plan to a good point for concept approval.
20 We've had great successes, as Stephanie mentioned, on
21 Swatling Road/Route 2. Cumberland is very excited and
22 looking for some success here. We have a very similar
23 building and it's been very well-received by the Town.
24 I believe that the Board is happy with it as well and
25 we're looking to mimic that success here and hopefully

1 move forward tonight.

2 CHAIRMAN STUTO: Any comments from the Board?

3 (There was no response.)

4 We'll turn it over to our Town Designated
5 Engineer.

6 Chuck, do you have any comments?

7 MR. VOSS: Peter, it's very similar to what the
8 Board saw and recently approved, as Jim had mentioned,
9 on Route 2 and Swatling Road. The sites are almost
10 identical in terms of the layout and the access. The
11 only things that we pointed out were actually looked
12 at during the early reviews of sketch and just some
13 potential access questions. Certainly, I think that
14 Jim has addressed those. DOT will certainly weigh in
15 - in terms of the access points that they are
16 proposing. We don't really see any issues there.

17 Internal circulation is fine. The site is
18 obviously served by existing municipal utilities;
19 sewer and water and those types of things.

20 The site is certainly large enough to handle
21 this kind of facility. If you remember, the Fastrak
22 was even larger. There was more parking on that site
23 and there was a drive-thru on that site that was also
24 accommodated.

25 The stormwater looks to be fine in the back.

1 There are potential minor questions about the soils
2 but we can work through them.

3 The topography seems fine. The site is an open
4 site at the moment. They are not proposing to take
5 down a lot of trees or a lot of clearing. The type is
6 pretty much open as it is.

7 CHAIRMAN STUTO: So, that area will never be
8 developed in the back?

9 MR. VOSS: There are some topography issues
10 back there, Peter, that would probably prevent
11 additional development of the back. It drops pretty
12 quickly once you get in the back.

13 CHAIRMAN STUTO: Let's get the applicant on
14 record.

15 MR. GILLISPIE: Cumberland doesn't have any
16 plans to develop that. Again, there are topography
17 issues. Obviously if that were to change, we would
18 have to come before the Board. There are no plans to
19 do that.

20 MR. VOSS: We don't have any additional issues
21 at this point.

22 CHAIRMAN STUTO: I have two questions. The
23 connection on the west. That looks like it works;
24 right? Was there a wrinkle to that? I can't
25 remember.

1 MR. VOSS: Just by the nature of the ownership
2 of this parcel.

3 MS. BITTER: The draft easement was
4 incorporated and submitted in this application to be
5 reviewed by the Town. They are under contract to
6 execute that.

7 CHAIRMAN STUTO: Were we talking about the
8 other side? Didn't we have some discussion on that?

9 MR. VOSS: Yes.

10 CHAIRMAN STUTO: Should we leave an easement
11 there for a connection if that site is developed?

12 MR. LACIVITA: Peter, in talking with Mr.
13 Nemith prior, there is an intent to try to connect
14 further in the back when they connect the parcels.
15 That one little house there - I think that it's a law
16 office and then after that you have the Hewitts along
17 that way. It would probably be better served along
18 the back of the property.

19 CHAIRMAN STUTO: Should we put something there?

20 MR. LACIVITA: We could make some provisions
21 for it as we go further into final.

22 CHAIRMAN STUTO: The applicant?

23 MR. GILLISPIE: The only thing that I'm
24 thinking is that again, there is a lot of topography
25 issues here. Our stormwater management system is

1 right here. We could certainly look at it. I'm just
2 not sure.

3 CHAIRMAN STUTO: Let's look hard at it before
4 we come back.

5 MR. LACIVITA: I think that the owner of the
6 land knows the history of the lands too. We'll work
7 together on that.

8 CHAIRMAN STUTO: Craig, do you like the looks
9 of the site?

10 MR. SHAMLIAN: Yes, I do. What Cumberland
11 built on 211 is a nice looking product. This looks to
12 be the same.

13 CHAIRMAN STUTO: Members of the public - I
14 looked at the list.

15 Don, did you have something to say?

16 MR. ALLARD: Yes. I'm Don Allard and I'm with
17 the Conservation Advisory Council.

18 CAC just wants to advise the Planning Board
19 that if there is landscaping, that the developer use
20 non-invasive plantings. We do recommend that you look
21 at leaving some of the trees in this corner right here
22 - the southwest corner. If there is a buffer -- I
23 think that on the plans that we looked at, there was a
24 buffered area in the front. The double rows of trees
25 be staggered using two different species.

1 Also, consideration to the fact that according
2 to the specs, this is a sole source aquifer. The
3 concern would be obviously any contamination with
4 petroleum products.

5 This slopes back dramatically (Indicating). It
6 would be very hard to imagine anything back there.

7 That's it.

8 CHAIRMAN STUTO: Okay, thank you.

9 MS. QUINE LAURILLIARD: My name is Susan Quine
10 Laurilliard. I live over in the Birchwood
11 neighborhood - part of the Birchwood Neighborhood
12 Association and also Save Colonie Trees.

13 I just had a couple of comments.

14 I believe that you may like the design of this
15 project but you're mentioning Swatling Road. This
16 area - I don't know if the Board has been in this area
17 -- it's right at the gateway between Niskayuna and
18 Colonie, where Vly Road enters Route 7. I don't know
19 if the Board has had a chance to look at that area of
20 the Town.

21 Basically this will be the fifth gas station
22 within less than a mile and a half. You're going to
23 have Stewarts, a Sunoco, Cumberland Farms, you have
24 Dunkin Donuts, you have a Mobil station on the corner
25 of Albany Shaker Road and Route 7 and then further

1 down, right across from the airport you have a Sunoco.

2 I took a look at the Route 7 and Route 2
3 corridor study that was done in 2005 and it talks
4 about this particular area of the Town. I don't know
5 if the Board or the Town Designated Engineer had a
6 chance to look at that study; have you?

7 MR. VOSS: For this project, no.

8 MS. QUINE LAURILLIARD: I think that it's very
9 pertinent because there were considerable findings
10 about the level of traffic in that area and the fact
11 that one of the things that they didn't want to see in
12 that area is intermittent stopping. You have a
13 project which is a Cumberland Farms, which is going to
14 be an in and out constant during rush and peak hour.
15 Right now the traffic is unbearable there. I would
16 ask the Board that if the Town Designated Engineer has
17 not looked at that Route 2/7 corridor study from 2005
18 then I think that before you act here, you should take
19 a look at that. That addresses totally this area, the
20 congestion and the high incidents of traffic accidents
21 in this spot. Between Vly Road and Keeler, it's an
22 absolutely impossible area in the morning. I would
23 ask that the Board table this tonight and take a look
24 at that study that the Capital District Transportation
25 Committee in 2005. There are a lot of statistics in

1 there. That's not even mentioned here or in any of
2 the narrative that was on-line. I think that you
3 would be remiss if you went ahead and didn't put this
4 offer to DOT to look at it. You're actually probably
5 doing a SEQR determination here, right?

6 CHAIRMAN STUTO: Not tonight, no.

7 MS. QUINE LAURILLIARD: No SEQR with concept.

8 MR. LACIVITA: Correct.

9 MS. QUINE LAURILLIARD: So, I think that you
10 should take a look -

11 CHAIRMAN STUTO: Concept is not a binding
12 action.

13 MS. QUINE LAURILLIARD: I think that you should
14 take a look at this study that looked at traffic.
15 There are traffic estimates here. You're having
16 development up on Natick Hills that's being looked at
17 to come down Vly Road. You have Forest Hills and you
18 have a lot of traffic here and right now during peak
19 hours it's really a mess between Vly - all the way
20 down to that area. Now, you're going to have another
21 in and out. I forgot to add Starbucks. Getting in
22 and out of that area is very difficult and I think
23 that there might be a better use for that property
24 considering that you now have an aquifer issue there
25 and a gas station, which will compete with the other

1 businesses that are located in this corridor.

2 The other thing that I wanted to add is that
3 Mr. Faddegon was here at the last meeting and spoke
4 directly about providing the bicycle path. Colonie
5 has a pathways and you all should be requiring that as
6 part of this project. He spoke very eloquently about
7 the need to consider that bicycle path. Any condition
8 on any kind of concept here should require that be
9 part of this project, period and that's the end of it.
10 You need to do this here.

11 CHAIRMAN STUTO: I'm not sure that the
12 topography permits it.

13 MS. QUINE LAURILLIARD: I believe that Mr.
14 Faddegon said that this is probably the only spot
15 where this will work and I really think that you
16 should look at that.

17 The traffic is horrendous in this area and this
18 type of a use with and in and out -

19 CHAIRMAN STUTO: Let me just say that it's a
20 permitted use there. Aside from a rezone or something
21 like that, I don't know how you can legally deny them.

22 MS. QUINE LAURILLIARD: There is an issue with
23 traffic. Your cumulative impact of adding more
24 traffic -- that's all I really wanted to say here.

25 I appreciate you looking into this.

1 MR. LACIVITA: One of the key components about
2 this project is that it's actually at a signalized
3 light. DOT has, in fact, reviewed this project along
4 at the DCC level, as all projects do that front on a
5 road controlled by DOT. So, that project has already
6 been reviewed.

7 MS. QUINE LAURILLIARD: Weren't you talking
8 about an easement for another access point?

9 MS. BITTER: Right here at British American.

10 MS. QUINE LAURILLIARD: It's still an issue
11 because there is no right hand turn out of there right
12 now.

13 MR. LACIVITA: Understood and I'll try to
14 address some of your concerns that you brought up.

15 The property owner is very engaged, as well,
16 with the easement and the access to the bike trail as
17 well. The applicant as well is very engaged with the
18 access point to the bike trail. We're working through
19 that process and it doesn't need to be done at this
20 point in concept. Also, as to the corridor study that
21 you're talking about - the corridor study never speaks
22 to saturation and competition is always good when it
23 comes to business. The traffic is going to be
24 controlled by a signalized light. DOT has control
25 over that and they are the permitting entity for that.

1 So, I think that some of your concerns are being
2 addressed in the course of the review. Tonight,
3 again, is for concept and they have to work through
4 some of those final details as well.

5 MS. QUINE LAURILLIARD: It's just been my
6 experience that some of these issues are raised at
7 concept and somehow do not end up at final.

8 CHAIRMAN STUTO: I want to comment on
9 procedure. I don't want to get into a debate. That's
10 not how we are going to conduct our meetings. You
11 make your comments. If we feel a need to respond, we
12 will. I don't want to get into to a debate here.

13 I disagree with what you just said. I don't
14 think that we miss many issues in terms of at least
15 considering them. You may not like the result but we
16 think hard about all the issues. Something
17 occasionally could slip through the cracks, but I
18 disagree with that statement.

19 MR. LACIVITA: And I think that Cumberland
20 Farms is a very engaged applicant. They are willing
21 to look at what they did on the Swatling Road, whether
22 it be in a gateway area or whether it be in Latham.
23 They were very good to work with and they addressed
24 all of our concerns at that location so I don't see
25 anything different here.

1 MS. QUINE LAURILLIARD: They should hopefully
2 look at these issues very hard.

3 CHAIRMAN STUTO: I agree with that.

4 Joe Grasso, I hate to put you on the spot.
5 Have you looked at traffic generally in that area or
6 do you have any comment to add? I know that you were
7 thinking about some of those issues.

8 MR. GRASSO: Yes, we have.

9 CHAIRMAN STUTO: Do you want to comment?

10 MR. GRASSO: Well, it is in the airport area
11 GIS, so there is a plan that's been in place for 20
12 years that builds infrastructure and supports traffic.
13 This project was deemed that it would not have a
14 significant effect and it fits into the overall plan.

15 CHAIRMAN STUTO: Joe, do you have any comments
16 on the GIS, or no?

17 MR. LACIVITA: I know that we're kicking off an
18 update to the airport GIS which Joe is going to be
19 involved in as well. As I said, this project is going
20 to pay its share along the way.

21 CHAIRMAN STUTO: Does the applicant have
22 anything that they want to say?

23 Ma'am, I appreciate your comments; I really do.

24 MS. BITTER: As I indicated, Creighton Manning
25 has put a traffic impact study together and that will

1 be submitted as part of the preliminary. It's not
2 being overlooked.

3 CHAIRMAN STUTO: Now the CDTC study - does
4 anybody know anything about that? Is that something
5 that we need to look at before we move forward?

6 MR. VOSS: I would assume that your traffic
7 impact analysis will incorporate that study. When we
8 have a copy of it, we will make sure that we review it
9 as well.

10 MR. LACIVITA: Wendy is pretty engaged to that.

11 CHAIRMAN STUTO: Wendy, are you on this
12 project?

13 MS. HOLSBERGER: No. We are in the process of
14 doing a detailed traffic assessment.

15 This type of land use is a lot of pass-by trips
16 which are trips that are already on the road system.
17 We are not really going to bring a lot of new
18 vehicles.

19 CHAIRMAN STUTO: You're taking them off.

20 MS. HOLSBERGER: Yes, but this land use does
21 have a lot of pass-by trips - between 60 and 65% of
22 the peak hours so there is not a lot of new trips
23 being generated.

24 Just another thing to point out is when British
25 American came on-line, that traffic signal was

1 actually designed knowing that there would be a fourth
2 leg to this intersection eventually and that was
3 incorporated in with the expectation that this parcel
4 would develop along with the adjacent parcels and have
5 shared access to this intersection.

6 CHAIRMAN STUTO: Are you familiar with the CDTC
7 study that was referred to?

8 MS. HOLSBERGER: No, I haven't looked at that
9 either. I will look at that. I was going back to the
10 2000 which was when that was designed.

11 CHAIRMAN STUTO: Do we know anything about the
12 connectivity to the bike trail?

13 MR. LACIVITA: Actually, Mr. Nemith and I
14 spoke in detail a number of times. We are going to
15 actually walking the land, as he suggested one time so
16 that we can see where that is going to land.

17 CHAIRMAN STUTO: This may connect or may not?

18 MR. LACIVITA: No, this will connect. This is
19 one of the best spots on the bike trail to connect.
20 Initially, Peter, it was on the Hewitts site and the
21 topography would never allow for it. There are lands
22 here that would actually make it work.

23 CHAIRMAN STUTO: Thank you.

24 Any other comments from the Board?

25 (There was no response.)

1 We have an application for concept acceptance.
2 I'm comfortable going forward with it. I don't know
3 if the rest of the Board is.

4 Do we have a motion?

5 MR. MION: I'll make that motion.

6 MR. AUSTIN: Second.

7 CHAIRMAN STUTO: Any discussion?

8 (There was no response.)

9 All those in favor say aye.

10 (Ayes were recited.)

11 All those opposed, say nay.

12 (There were none opposed.)

13 The ayes have it.

14 Thank you.

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16 (Whereas the above entitled proceeding was
17 concluded at 8:46 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 _____

