

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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CUMBERLAND FARMS
1893 CENTRAL AVENUE
SKETCH PLAN REVIEW

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6 THE STENOGRAPHIC MINUTES of the above entitled matter
7 by NANCY L. STRANG, a Shorthand Reporter Commencing
8 on November 14, 2017 at 8:12 p.m. at The Public
Operations Center, 347 Old Niskayuna Road, Latham,
New York

9 BOARD MEMBERS:
10 PETER STUTO, CHAIRMAN
11 BRIAN AUSTIN
12 LOU MION
13 CRAIG SHAMLIAN
14 STEVEN HEIDER
15 SUSAN MILSTEIN

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14 ALSO PRESENT:

15 Michael C. Magguilli, Esq., Town Attorney's Office
16 Joseph LaCivita, Director, Planning and Economic
Development Department
17 Michael Tengeler, Planning and Economic Development
Department
18 Ryan Weitz, PE, Barton and Loguidice
Stephanie Bitter, Esq, Cumberland Farms
19 Wendy Holsberger, PE, VHB
Ross Galloway, First Hartford Realty Corp
20 Joseph Grasso, PE, CHA

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1 CHAIRMAN STUTO: We will start the next project
2 in five minutes.

3 Next on the agenda is Cumberland Farms, 1893
4 Central Avenue, sketch plan review, raze former
5 restaurant and replace with a 5,275 square foot
6 convenience store with 12 fuel pumps.

7 (There was a brief break in the proceedings.)

8 Joe, we have the Cumberland Farms
9 application. Do you have anything to say about this?

10 MR. LACIVITA: This is actually here for sketch
11 plan review. This is to raze the former restaurant which
12 is the Sushi X and replace it with a 5,275 square foot
13 convenience store and 12 few pumps. It is in a COR zoning
14 district, so it is an allowed use and it was before the
15 DCC on October 25, 2017.

16 CHAIRMAN STUTO: This is next to the Aldi's
17 that we approved, right?

18 MR. LACIVITA: Yes, it is.

19 And I will turn it over to Stephanie to give
20 a presentation.

21 MS. BITTER: My name is Stephanie Bitter and I
22 am local counsel for Cumberland Farms. I have Jim
23 Gillespie with Bohler Engineering, Wendy Holsberger from
24 VHB and Ross Galloway from First Hartford Realty Corp
25 this evening.

1 This store, though you have seen the
2 Cumberland Farms that we have proposed for Troy
3 Schenectady and Central Avenue, is actually the new and
4 improved version. It is 5,275 square feet in size. It
5 is a little bigger than what we have on Troy
6 Schenectady Road. So, it has some improvements, new
7 service and new merchandise.

8 For those of you interested in coffee, we
9 have a new coffee prep station, expanded craft soda,
10 espresso station, expanded hot food, sandwiches -
11 everything that is convenient and right there to serve.
12 So, that provides a little bit more space than you will
13 see.

14 You will see that it still has the colonial
15 design, the architectural features, the stonework, the
16 columns. Still it's what we have seen on Troy
17 Schenectady and what we will see on the other end up
18 Central Avenue.

19 Like you mentioned, this is to replace the
20 Sushi X building, which is currently vacant.

21 This is going to have connectivity to the
22 Aldi's that was just proposed. Part of that had shared
23 access plans and we do show that on the site plan so
24 that it will allow our customers to access at that
25 intersection, but we also have two full access points

1 on the existing site.

2 VHB has already done a traffic study. They
3 already have had conversations with DOT and as Joe
4 mentioned, we also met with DCC. So, the access points
5 have been discussed and evaluated and we do have their
6 support.

7 One of the main comments or discussions we
8 hope to have with you this evening is because this is
9 in a COR, we do have a few waivers that we will need
10 from this Board as we go through this process.

11 The one is the front setback which exceeds
12 the minimum. The second being parking in the front. The
13 third being the parking lots are closer than 10 feet in
14 size by the 10 feet setback from the side yards and
15 that the fuel canopy is in the front.

16 These are similar waivers that we have
17 requested in the past on other applications, but we
18 feel the product that is constructed is beneficial and
19 aesthetically pleasing and that there are benefits
20 gained by the waivers provided.

21 The one thing that we also see is a benefit
22 in keeping the canopy and parking in the front is there
23 is a residential neighborhood that abuts this property.
24 You are probably familiar with the Aldi's review. So,
25 we are trying to keep everything away from that

1 residential neighborhood as much is possible. Granting
2 those waivers will allow us to do that.

3 Speaking of the setbacks, because we are
4 within 200 feet of the setback with that single-family
5 residence or single-family residential district, we
6 will need a special use permit. That will be one of the
7 steps in this process. We are greater than 100 foot
8 setback from that residential district. Our intentions,
9 after we spoke to the department heads is that we are
10 going to try to meet with those neighbors to try to see
11 if there are additional things that we should
12 incorporate that we have not yet incorporated or things
13 that were suggested from those department heads. So, we
14 will plan on doing that before we submit for the
15 special use permit. We do understand that landscaping
16 and fencing - those things are some of the things that
17 we are going to be focusing on during that special use
18 permit review. So, we are looking for feedback. If you
19 have any questions or if you have any specific site
20 things that Bohler can identify, we're happy to do
21 that.

22 CHAIRMAN STUTO: Joe, do you have any comments?

23 Ryan, do you have any? I know you haven't
24 reviewed this yet. Have you looked at it?

25 MR. WEITZ: We have taken a look at the sketch

1 submission and we were at the DCC meeting. I think a lot
2 of the main points were covered by Stephanie. The big
3 one being the interconnectivity to Aldi's. There is
4 going to be redevelopment through this stretch.

5 So, it is a redevelopment site in terms of
6 different stormwater credits and so forth. As it
7 proceeds, we are looking forward to reviewing it in
8 more detail. It's looking definitely like something
9 similar to the other two that have been recently
10 approved in the Town.

11 MR. LACIVITA: One of the things that we want
12 to hear is because this requires the zoning to get the
13 special use permit - if there were concern about shifting
14 the building and so on, does that change the special use?
15 Does it impact it even greater? Those are the things that
16 they will need to have before they go back to the Zoning
17 Board to see if there is going to be any site plan
18 adjustments along the way.

19 CHAIRMAN STUTO: I have some questions.

20 Do you guys have questions?

21 MR. MION: I have something that I would like
22 to bring up.

23 CHAIRMAN STUTO: Sure.

24 Lou?

25 MR. MION: When we developed and we were

1 approving the development of the Aldi's project, CDTA
2 moved the bus stop and that was a requirement. I was
3 against that because the traffic would be backing up to
4 155. We were told that we would readdress it when we
5 started developing Sushi X.

6 Now, we are developing Sushi X and I still
7 think that CDTA should have a bus stop after the light
8 on the west side of the light in front of Sushi X and
9 CDTA should be asked to use that.

10 I feel very strongly because everything that
11 I said that was going to happen with the traffic
12 backing up to 155 and people darting out into the
13 passing lane because they are annoyed at the fact that
14 they have to sit behind the bus, has happened. I think
15 that CDTA has created a safety hazard by moving that
16 particular bus stop in front of the Chinese place and
17 not taking it off the road.

18 CHAIRMAN STUTO: So, in other words, you want a
19 pull-off.

20 MR. MION: I want a pull-off for the bus stop
21 in front of Sushi X. I am very concerned about the
22 safety situation.

23 CHAIRMAN STUTO: Can you take a look at that?

24 My main concerns - and I am not an engineer -
25 it has to do with the access and how it integrates with

1 the site next-door. My recollection is that it acts as
2 one site now with the Aldi's. The Aldi's and the
3 Chinese restaurant are sort of one integrated site.

4 I pulled in there after construction and it
5 seemed to work that way now. We don't have a drawing of
6 that.

7 MS. HOLSBERGER: So, you need something that
8 demonstrates how it comes together?

9 CHAIRMAN STUTO: It looks like you're cutting
10 off access in just my minds eye - to the Aldi property.
11 I may be wrong about that.

12 MR. GALLOWAY: This is the cross easement.
13 (Indicating)

14 MS. HOLSBERGER: And it does go back and forth.

15 CHAIRMAN STUTO: Also, if you could look at
16 internal circulation. I'm going to see if I can find it
17 to make sure that I understand it. Those are my main
18 comments.

19 Susan and Chief, do you have any comments?

20 MS. MILSTEIN: What is the nature of the
21 special use permit?

22 MS. BITTER: It's for the setback to the
23 residential district. So, the property behind it is
24 zoned residential and that's Neal Drive. With that, there
25 has to be a 200-foot setback to the building. Our is 140.

1 It's less than 200, but greater than 100.

2 MS. MILSTEIN: That's the building itself.

3 MS. BITTER: The building itself, right.

4 MS. MILSTEIN: What about your gas pumps?

5 MS. BITTER: The gas pumps are about 260.

6 MS. MILSTEIN: Is there any special use permit
7 required for that, or is it within the acceptable
8 distance?

9 MS. BITTER: The canopy exceeds the 200 foot.
10 It's the actual store itself.

11 MR. GALLOWAY: It is an acceptable distance but
12 it requires a special use permit.

13 MR. LACIVITA: If you remember with the Aldi's
14 site next door, they actually had a 100-foot building
15 setback and I think that they actually shifted that back.
16 We actually shifted that building towards the front.
17 Because of the 5,000 square feet - into a minimart -
18 that's where the grocery store - where that setting then
19 comes back to 200 feet. Based on design, 150 was what
20 they were able to do.

21 MS. MILSTEIN: Have you had any conversations
22 with the neighbors?

23 MS. BITTER: Not yet, no. We just had DCC on
24 October 25th. It is my intention to reach out to them
25 before we return to the next Board meeting.

1 MR. HEIDER: Joe, the Sushi X - was that within
2 the 200 feet? Was that covered by that?

3 MR. LACIVITA: I think that this is
4 pre-existing as to what it was. I would have to see
5 actually when that was built.

6 MR. HEIDER: It's basically going to be all
7 green behind the building, right?

8 MS. BITTER: Only that one section, right there
9 (Indicating).

10 MR. GALLOWAY: There is a small area of
11 parking, but this would all be green.

12 MR. HEIDER: Will you be clearing anywhere back
13 there?

14 MS. BITTER: No, we will not.

15 I concur with Lou about the bus stop all
16 along Central Avenue. Unfortunately while the bus is a
17 great service, they are not using the turn-offs. They
18 are using the turn-offs but not installing more. They
19 are stopping in the middle of the road and they are
20 creating a great dysfunction.

21 CHAIRMAN STUTO: Chief, my understanding is
22 that CDTA has a policy against the pull-offs and they are
23 trying to eliminate them. Some of us on the Board
24 disagree with that policy.

25 MR. HEIDER: The problem is that when they

1 instituted the new bus, they have to move them quicker.
2 That's why there have no more pull-offs. They want to
3 stop right in the middle of the road.

4 I know that in the Village, though, that they
5 actually stop and pause if they are running ahead of
6 schedule. That's also part of the problem that is
7 occurring.

8 MR. MION: This is a copy of CDTA's own
9 document that supports the pull-offs.

10 CHAIRMAN STUTO: Can we get copies of that for
11 everybody?

12 MR. GALLOWAY: One of the things that I would
13 like to point out is that the building - I don't have the
14 actual dimension but if you look at the location of the
15 Sushi X and the location of the Cumberland, the building
16 itself is relatively in the same proximity to the rear
17 property line. One of the things to point out is the
18 pavement that is much further. The parking is encroaching
19 on that greenspace a lot more than the proposed layout.
20 So, there is an actual open landscaped area which is
21 current about 35% and in the proposed condition it is
22 over 50. It's about 52% So, there will be a significant
23 increase in greenspace.

24 CHAIRMAN STUTO: The greenspace is great and
25 any plantings that you can put there to screen would be

1 great, as well.

2 I want to clarify something that I said. I
3 made a mistake. I thought that this was replacing the
4 restaurant that is integrated in the Aldi's, but that
5 is on the other side.

6 MS. BITTER: Does that change your CDTA
7 comment, too?

8 CHAIRMAN STUTO: I don't think so.

9 Joe Grasso, you're into bus pull-offs, right?

10 MR. GRASSO: Yes.

11 CHAIRMAN STUTO: Any other comments from the
12 Board?

13 (There was no response.)

14 Your neighbors are critical. You should speak
15 with your neighbors.

16 MS. BITTER: I fully intend to. That was
17 suggested at DCC and I will follow-up with that.

18 Do we have your support with the waivers?
19 Would that be something that looks reasonable, as the
20 process continues?

21 CHAIRMAN STUTO: Nobody has voiced any
22 objections that I have heard.

23 Thank you.

24 MS. BITTER: Thank you.

25 (Whereas the above entitled proceeding was

1 concluded at 8:20 p.m.)
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CERTIFICATION

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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.

Dated: _____

NANCY L. STRANG
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