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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

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CUMBERLAND FARMS

1893 CENTRAL AVENUE

APPLICATION FOR CONCEPT ACCEPTANCE

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THE STENOGRAPHIC MINUTES of the above entitled matter  
by NANCY L. STRANG, a Shorthand Reporter commencing on  
May June 5, 2018 at 7:50 p.m. at The Public Operations  
Center, 347 Old Niskayuna Road, Latham, New York

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- CRAIG SHAMLIAN
- LOU MION
- BRIAN AUSTIN
- CRAIG SHAMLIAN
- SUSAN MILSTEIN
- STEVEN HEIDER

ALSO PRESENT:

- Kathleen Marinelli, Esq., Counsel to the Planning Board
- Michael Tengeler, Planning and Economic Development Department
- Stephanie Bitter, Cumberland Farms
- Wendy Holsberger, PE, VHB

1                   CHAIRMAN STUTO: The next item on the agenda is  
2 Cumberland Farms, 1893 Central Avenue, application for  
3 concept acceptance, 5,275 square foot building with a  
4 six pump fuel island.

5                   Joe LaCivita, do you have any introductory  
6 remarks?

7                   MR. LACIVITA: Yes, a couple of dates to get on  
8 the record for this project.

9                   We were at the DCC, the Developmental  
10 Coordination Committee on October 25, 2017. It went to  
11 sketch on November 14, 2017 and we offered concept  
12 June 5 - I'm sorry, it was here for concept on June 5.

13                   Stephanie Bitter is here tonight.

14                   MS. BITTER: Good evening. I'm Stephanie  
15 Bitter, for the record. I'm here with Scott Shearing  
16 from Bohler engineering and Wendy Holsberger from VHB  
17 and Peter Yeskey from First Hartford.

18                   As Joe mentioned, that's our history.

19                   I would just add we were before the Zoning  
20 Board in March in which we received the area variance  
21 necessary to have a canopy placed in the front yard,  
22 as well as a special use permit relative to the  
23 setback because the adjacent lands are in a  
24 residential district.

25                   This property is 2.26 acres in size in it is

1 in the COR zone.

2 The proposal is to remove the existing  
3 vacant restaurant and redevelop the site with a  
4 convenience store that was mentioned as 5,275 square  
5 feet in size and a six pump fuel island.

6 Due to the size, it's really considered to  
7 be a supermarket, which is what kicked it to the need  
8 for special use permit for the distance to the  
9 residential district. However, it is also classified  
10 as a minimart because of the sale of the fuel. The  
11 property is owned by JAKA 1893 Central and the  
12 adjacent lands were the development of the Aldi's  
13 store. As is demonstrated by the site plan, there are  
14 two full access points on this site, but there is also  
15 a shared access points which is hatched here. There  
16 will be a reciprocal easement agreement with the  
17 Aldi's store.

18 We did receive a DOT letter in December 2017  
19 which identified the review of the traffic report in  
20 support of the access points, as proposed. We also  
21 received a letter from CDTA in February 2018. There  
22 was a question relative to the relocation of the bus  
23 stop, relative to the Aldi's project and CDTA did  
24 identify that they do prefer its new location and that  
25 it is working well. Store - you have seen it at other

1 locations. You just recently approved the one on  
2 Central Avenue and this is slightly bigger in size. It  
3 is 24/7 as proposed with the other stores that have  
4 been improved in this community.

5 The store is a little bigger and has new  
6 products and services. There is a bigger coffee prep  
7 area, craft soda and hot food service.

8 On the outside, it is still the same  
9 colonial design that you have seen it at the other  
10 stores. The architectural features are the same as is  
11 the stonework, columns - like I mentioned.

12 We have four waivers that we are seeking  
13 from the COR zone. Not meeting the maximum 20 foot  
14 setback. The front yard will be parking as well as the  
15 canopy that I mentioned -- that we received relief  
16 from the Zoning Board from and a minimum frontage  
17 buildout.

18 However, overall, looking at those four  
19 waivers, this is a huge improvement to the site, since  
20 it currently had a vacant parcel building on it. It is  
21 a huge revitalization project.

22 Since the last meeting, as I indicated, we  
23 did meet with the adjacent neighbors which are located  
24 right here (Indicating). We did review the site plan  
25 with them. Obviously, their primary concern was to see

1 as much vegetation maintained as well as to keep the  
2 commercial impact to the front of the site is much as  
3 possible. That would obviously include that canopy.  
4 So, having that canopy in front will obviously pull as  
5 much commercial activity away from that residential  
6 district as possible, as well as help with internal  
7 circulation, as well as fuel deliveries.

8 I will open it up to any questions you folks  
9 may have.

10 CHAIRMAN STUTO: This has been reviewed by our  
11 Town Designated Engineer, Barton and Loguidice. They  
12 have issued a letter.

13 Brad, can you go over your significant  
14 comments?

15 MR. GRANT: Sure. Our comment letter dated May  
16 22 of this year -- I'll start off with SEQR.

17 The proposed action is considered an  
18 unlisted action under SEQR. We have a Short  
19 Environmental Assessment Form. There is a minimum  
20 review required under this unlisted action.

21 This application has followed many similar  
22 Cumberland Farms. We see a lot of Stewarts and  
23 Cumberland Farms applications. This is quite a bit of  
24 a larger store than we are used to seeing. I think  
25 some of that is the additional -- is this the one

1 where I saw a beer cave on the floor plan?

2 MS. BITTER: Yes.

3 MR. GRANT: Essentially, otherwise there's  
4 going to be some more prepared food. So, there's going  
5 to be more presumed traffic coming in for additional  
6 products.

7 We have reviewed the correspondence in the  
8 file. Most of the comments in our letter are  
9 procedural and can be flushed out during the first  
10 preliminary and second preliminary final submissions.  
11 There was some concern about the bus stop. I had  
12 reviewed some of the technical aspects of the Aldi's  
13 project, but we were talking earlier and there were  
14 some concerns -- I don't have the exact history, but  
15 as part of the Aldi's project, they requested the bus  
16 stop -- correct me if I'm wrong -- as the bus stop to  
17 be relocated where it was in a bump out to its current  
18 location.

19 MR. MION: Where the cutoff was - they moved it  
20 back in front of the Chinese place. So, there is no  
21 cut-off. They stop right in the lane. At that time, I  
22 had questioned it because of the safety hazard that it  
23 presents. It backs traffic all the way up to 155. They  
24 also put it on the east side of the lane of the light  
25 when you're going west.

1                   MR. GRANT: So, you're guaranteed to miss that  
2 light.

3                   MR. MION: Right. I adamantly would like to see  
4 a cut-off so at the time we said when we address Sushi  
5 X, that's when we will see about fixing it. I think that  
6 it's fine that CDTA says that we're happy with it.  
7 They're happy with it because they don't have to pull  
8 off and they can block traffic and their busses can go.  
9 That's not what I'm happy about. I'm very displeased  
10 with the fact that the cars back up and cause a safety  
11 hazard and blocks traffic and it also violates their  
12 paperwork for justification - which I didn't bring with  
13 me tonight, but I do have a copy of that. What I'd like  
14 to see is somebody from CDTA come in here and justify  
15 that. We've been trying to get CDTA or a representative  
16 to come in here and present their case.

17                   I believe that we need the cut-off in front  
18 of Sushi X.

19                   MR. GRANT: Their position is essentially that  
20 we don't like the cut-off because our busses get in  
21 there and nobody is courteous enough to let them out.

22                   MR. MION: But if you're on the other side of  
23 the light, when the light turns red, that's how they  
24 move around. That's how they have it all up and down the  
25 avenue. And that's exactly what their paperwork says for

1 justification for the cut-outs.

2 MR. GRANT: I know that Joe has been trying to  
3 get a hold of them.

4 MR. LACIVITA: It's not easy.

5 CHAIRMAN STUTO: Aside from that, can you give  
6 us your analysis with your traffic engineers on that? He  
7 calls it a cut-off or a pull-over. I don't know what the  
8 proper term is.

9 MR. GRANT: It's basically an extra small  
10 portion of the lane where a bus can get out of the  
11 travel lane. It's not a good situation there to back up  
12 traffic that long. I do share those concerns.

13 CHAIRMAN STUTO: Can you put some traffic  
14 engineer brainpower on that problem?

15 MR. GRANT: Yes.

16 CHAIRMAN STUTO: And we'll let you respond.

17 MR. GRANT: I think that we need to bring CDTA  
18 to the table.

19 CHAIRMAN STUTO: Or else we're going to impose  
20 our answer on them.

21 MS. HOLSBERGER: Wendy Holsberger from VHB, for  
22 the record.

23 So, I don't know what the exact - all of the  
24 thought process was for CDTA, but my experience with  
25 them has been that they have changed some of their

1 philosophy on the curb bump-ins and having a curb-side  
2 stop and some of that has to do with the line of  
3 traffic because it does get more difficult for them to  
4 come out. It does affect their ability to run their  
5 routes efficiently and effectively. As you know, they  
6 put a lot of time and effort into the efficiency of  
7 that route - on Route 5. That's one of their BRT  
8 routes so it's their highest traveled route in the  
9 capital district as well. They have the highest amount  
10 of users that they are trying to serve. My experience  
11 with them is that they have changed and that and a lot  
12 of the newer stops that have been redone are right at  
13 the curb, along Route 5, in that corridor. They are  
14 not really building new bump-outs.

15 When I had talked to them after our previous  
16 meeting, I suggested - because there did seem to be a  
17 lot of discussion -- that if it would be better to  
18 have a meeting, I would be happy to try to facilitate  
19 that. They did write the letter and if you'd like me  
20 to reach back out to them, I'd be happy to do that to  
21 see if we can get them in the room so that they can  
22 explain it. I know that when I was on the Aldi's  
23 project, it was moved because as you remember, the bus  
24 stop was a pull-off but it was in the middle of the  
25 intersection. So, there has definitely been an

1 improvement and I think that the wording was that at  
2 the time that this site gets redeveloped, that we  
3 would reevaluate it or be re-looked at as part of  
4 that. They are saying that it works fine.

5 CHAIRMAN STUTO: You only have your one  
6 consideration and we have the whole thing to look at.

7 MR. MION: I live over there so I pass it every  
8 day. Not to mention that when you go back into the  
9 village - there is the other two places where they did  
10 away with the bump-outs. You're running into the same  
11 problem. Traffic just backs us. The backing up of the  
12 traffic is one thing. People start to get impatient and  
13 they start pulling out. You're going to make the  
14 situation worst.

15 MS. HOLSBERGER: I have done some evaluation  
16 with CDTA that the stop time is actually really short  
17 and I could get more of that information.

18 I know for the 1157 site, we actually got  
19 some of that information because there was discussion  
20 during that site about the location of that bus stop  
21 in between the driveway and I remember presenting -  
22 the actual time that the busses stopped and that delay  
23 that you're talking about - it is very short. It's not  
24 like they are there for three minutes. It's like  
25 seconds. It's less than a minute.

1 MR. MION: You can tell CDTA doesn't have that  
2 information because they haven't been in that line.

3 MS. HOLSBERGER: I can definitely try to  
4 facilitate --

5 CHAIRMAN STUTO: Can you get somebody assigned  
6 to that?

7 MR. GRANT: I will and what I would ask is if  
8 you could set that up and have it over here at Planning  
9 and I'll have one of our transportation guys -

10 CHAIRMAN STUTO: And at least for the sake of  
11 discussion, take Lou's position.

12 MR. GRANT: Yes.

13 MR. HEIDER: Obviously CDTA has the  
14 encouragement of DOT because it's a DOT curb cut. I  
15 think that DOT actually encourages it. It's one of the  
16 reasons why CDTA has been able to actually do this. They  
17 do not respond well.

18 MR. MION: I understand that, but they also  
19 have a packet with information that justifies those curb  
20 cuts. Now they justify them when they put the new road  
21 in -- Central Avenue way back then and now they changed  
22 their mind.

23 CHAIRMAN STUTO: Do you have an opinion?

24 MR. HEIDER: With their other side, it doesn't  
25 matter if it is only a 30-second delay. That 30 second

1 delay backs right up to that intersection.

2 MR. GRANT: Wendy, does that seem accurate -  
3 what CDTA said - about 30 times a day that the busses  
4 stop there?

5 MS. HOLSBERGER: I think that reference was the  
6 number of riders that they had. I think that it was the  
7 riders at that stop. I can get the details on that. It's  
8 all day long. I probably have it in my report and I can  
9 look it up but it's pretty consistent service.

10 MR. LACIVITA: That letter says that the stop  
11 clearly sees over 30 -

12 MS. HOLSBERGER: Yes, so that's over 30 people.  
13 Basically that stop has service from 5:00 in the morning  
14 until 1:00 in the morning. On the weekend it's 6:00 a.m.  
15 to 12:15. So, it's pretty much all day long. I don't  
16 have it here - exactly what the stops are, but I would  
17 say every half-hour to an hour.

18 MR. GRANT: Unfortunately, this stretch of  
19 Central Avenue is where there's been pedestrian  
20 accidents.

21 MS. HOLSBERGER: Right and that was part of the  
22 move and part of the upgrades. There are full pedestrian  
23 accommodations there. It was moved - still to be in  
24 close proximity to that.

25 The stop on the other side of the road was

1 down in front of Burger King and it was moved up here.  
2 So, it was right at the signal. Right now there is a  
3 pedestrian interval at that signal. There has  
4 definitely been a lot of upgrades there to consider  
5 that.

6 MR. GRANT: If you could reach out and Joe and  
7 myself will get something set up.

8 MS. HOLSBERGER: Absolutely.

9 CHAIRMAN STUTO: Are you done with your  
10 comments?

11 MR. GRANT: Yes, as I said, the rest of them  
12 are pretty procedural.

13 The Sushi X did have existing stormwater  
14 management in the back. It's all sand back there and I  
15 will be checking with the Town, but I have heard no  
16 complaints in that area about infiltration.

17 CHAIRMAN STUTO: Okay, before we open it up to  
18 the public, can you summarize your discussion with the  
19 neighbors and where we are with respect to screening and  
20 mitigation?

21 MS. BITTER: Right, one of the main concerns  
22 that they wanted was obviously, there is a fence that is  
23 already in existence - to maintain the fence, to  
24 maintain the mature vegetation that is on our property.  
25 Then, obviously as we move forward with preliminary, to

1 talk about what greenery we are going to do there. That  
2 is a picture of the existing conditions that I have  
3 (Indicating). We are assisting with putting the  
4 black-top farther away. We are creating a much greener  
5 area in the back than what exists there now, in addition  
6 to cleaning it up. They were obviously trying to see the  
7 impact to Central Avenue as much as possible and to work  
8 with the vegetation.

9 CHAIRMAN STUTO: Are there members of the  
10 public who would like to speak on this one?

11 (There was no response.)

12 We will start at the other end, I guess.

13 Chief, do you have any comments?

14 MR. HEIDER: I think that it's a great reuse of  
15 the property.

16 CHAIRMAN STUTO: Craig?

17 MR. SHAMLIAN: Nothing.

18 CHAIRMAN STUTO: Brian?

19 MR. AUSTIN: Nothing.

20 CHAIRMAN STUTO: Lou?

21 MR. MION: I think that it's a great reuse,  
22 except for the bus stop.

23 MS. BITTER: Duly noted.

24 CHAIRMAN STUTO: I have no additional comments.

25 The application before us is for concept

1 acceptance. Do we have a motion?

2 MR. AUSTIN: I'll make the motion.

3 CHAIRMAN STUTO: Do we have a second?

4 MR. MION: Are we making the motion on the idea  
5 that we will be meeting with CDTA?

6 CHAIRMAN STUTO: Yes.

7 MR. MION: I'll second.

8 CHAIRMAN STUTO: Do we have any discussion?

9 (There was no response.)

10 All those in favor?

11 (Ayes were recited.)

12 Opposed?

13 (There were none opposed.)

14 The ayes have it, thank you.

15 MS. BITTER: Thank you.

16 (Whereas the above entitled proceeding was  
17 concluded at 8:16 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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NISKAYUNA, NY 12309

