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September 10, 2018

Peter Stuto, Chairman
Town of Colonie
Planning Board
347 Old Niskayuna Road
Latham, NY 12110

Re: Cumberland Farms, Inc.
1893 Central Avenue
Tax Map Parcel

Dear Chairman Stuto:

As you are aware, our firm represents Cumberland Farm, Inc. with regard to its proposal to construct a 5275 square foot convenience store and 6 gas pump fueling island at the above mentioned site. This property is currently owned by JAK 1881 Central, LLC. The adjacent land was recently approved for the construction of an Aldi's Supermarket. This proposal incorporates three access points. Two full access points on the subject land, and one shared access point with the adjacent land currently occupied by Aldi's Supermarket.

The Project obtained the required approvals from the Zoning Board of Appeals on March 15, 2018. Specifically it received a Special Use Permit because the building is 150 +/- feet from a Residential District. In addition, an area variance was required for having the canopy (an accessory structure) in what is considered to be the front yard.

As you are aware on June 5, 2018, this Project also obtained Concept Approval from your Board. Prior to that meeting, on December 22, 2017 NYSDOT identified that they agreed with the Traffic Impact Evaluation provided by VHB relative to the Project and that it conceptually approved the location and layout of the driveways. Although CDTA on February 23, 2018 had provided a letter to the Town relative to the existing bus stop, there were still concerns raised by your Board regarding the bus stop's location. As a result, on June 25, 2018 members of the Town Planning Staff, a representative from NYSDOT, a representative from CDTA and our team met to discuss the concerns raised. I am enclosing a memo in this submission from VHB which outlines the meeting that had occurred. The result of that meeting was that CDTA maintains that there is no current need to relocate the bus stop even with the pending Project. Specifically

CDTA has again indicated that it has not encountered any operational or safety issues with the current location. As a result, it is their preference that the bus stop in question remains in its current location.

This proposal will revitalize the 2.26 acre parcel in which currently remains a vacant commercial structure. The existing use of the parcel is a vacant restaurant, previously Sushi "X". The parcel is located in the COR Zoning district. The Applicant has reviewed the Design Standards for this Zoning District. Although the Applicant did its best to meet these Design Standards, it was unable to address all that is required in this Zone. The waivers being requested are the following:

1. 190-40(A)(1)(a)- *Buildings must present their main facade and entrance toward the street. Buildings should be oriented parallel or perpendicular to the public sidewalk and allow for parking in the rear or side of the proposed structure.*
Due to the canopy being in the front of the building, a waiver is sought from this provision.
2. 190-40(A)(1)(b)- *A minimum frontage build-out of 80% is recommended to create a near-continuous facade along the sidewalk. This frontage may consist of a combination of the building and a small landscape fencing made of wrought iron, common brick or some other natural material. The intent is to create continuous frontage to more clearly define a pedestrian environment and an improved aesthetic setting.* Due to the building not being closer to the street, a waiver will be necessary from this provision.
3. 190-40(A)(1)(c)(2) *Maximum Setback- On a major road, the maximum setback shall be 25 feet.* Due to the building not being closer to the street, a waiver will be necessary from this provision.
4. 190-40(A)(3)(a)- *Off-street parking is encouraged to be at the rear of the building. New parking in the front yard shall be prohibited.* Due to the canopy being in the front of the building, a waiver is sought from this provision.

This store will be one of the newly designed Cumberland Farms stores. I have enclosed renderings of the new design of the exterior of the building, which continues to include columns, a gable roof and stone work. The internal changes to this include the following:

1. An expanded coffee prep counter and a mixology station for sandwich customization with expanded sauces and toppings;
2. A craft soda machine for customizable soda flavors;
3. An espresso ordering station with new high end offerings;

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4. An expanded hot food offerings;
5. An upright refrigerated case with new variety of premium sandwiches;
6. A kiosks for an improved food ordering experience;
7. A stand-up counter for customers to stay and enjoy their food & beverages; and


This building was designed to improve the overall customer experience by developing new traffic flow throughout the store as well as increasing the product offerings.

The store will be 1 story in height and compliant with the Zoning Code requirements. This Project will incorporate the new corporate logo which is white, blue and green. The store's design and colors will be incorporated in the gasoline canopy as well. The site has been designed to include internal sidewalks, outdoor seating as well as a bike rack to accommodate pedestrian traffic and safety. The store will be open 24 hours a day/ 7 days a week.

We look forward to discussing this Project with you further. Please place this matter on your next available agenda. Thank you for your attention with this matter.

Sincerely,

Bartlett, Pontiff, Stewart & Rhodes, P.C.



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550425

**NARRATIVE
for Cumberland Farms, Inc. on 1893 Central Avenue**

The Applicant, Cumberland Farms, is seeking to construct a convenience store and fueling station on 1893 Central Avenue. The property was once occupied by “X” Sushi but it is the intention of this Applicant to demolish all existing structures. The parcel is owned by JAK 1881 Central, LLC. The convenience store will be 5,275 square feet in size with an 6 gas pump fueling island. There will be access to the site via the two existing full access curb cuts on Central Avenue. The adjacent parcel was recently improved with an Aldi’s project, in which a cross connection between the proposed site and the Aldi’s site is already in existence along the eastern boundary of the site. This cross connection provides access to and from the site via a signalized intersection. The property is located in the COR zoning district. The proposed single story structure will be a colonial design with architectural features of columns and stone work. The height of the convenience store is 32'-10" and the canopy is 21'-0". The Project will have 53 parking spaces, which includes the 12 spaces at the pump. This store will be opened 24 hours/7 days a week. There will be three shifts with 2-4 employees working each shift.

The site access points were reviewed by VHB Engineering and outlined in a Traffic Impact Evaluation dated October 24,2017. The Applicant is proposing the three access points, which with the data collected by VHB supports. Pursuant to its report the Traffic Engineers at VHB do not believe this will in anyway conflict with the bus schedule, since the bus stops are located on the adjacent site. DOT has issued a letter dated December 22, 2017 supporting VHB’s findings. CDTA also provided a letter dated February 23, 2018 indicating based upon their evaluation there is no need to relocate the bus stop. The Applicant, the Town, NYSDOT and CDTA also met on June 25, 2018 and again confirmed that this Project will not have a negative impact on the bus stop located on the north side of Central Avenue just east of Colonie Plaza. As a result, this bus stop will not have to be relocated based upon this Project. The table below outlines the projected peak hour trips for this type of Project. Overall Creighton Manning concluded that the proposed Project would not be a hazard to traffic.

| Land Use | Size (SF) | AM Peak Hour | | | PM Peak Hour | | |
|---|-----------|--------------|-----------|-----------|--------------|-----------|-----------|
| Convenience Market with Gasoline Pumps | 4,794 | 98 | 98 | 196 | 122 | 122 | 244 |
| Pass By Trips/Diverted Link Trips (-60% AM Peak and -65% PM Peak) | | -59 | -59 | -118 | -79 | -79 | -158 |
| Total New Trips | | 39 | 39 | 78 | 43 | 43 | 86 |

The Project is within the Latham Water District. No new fire hydrant is proposed, no sprinkler system is proposed. The connection will use a 2-inch system and will be used for a domestic purpose. It will have a Reduced Pressure Zone Device to prevent backflow. The daily usage is estimated at 1200 GPD; peak day usage is estimated 1600 GPD (estimated from NYS DEC Design Standards for Wastewater Treatment Works 1988); total usage per year is estimated

at 500,000 Gallons; peak hour usage is estimated 200 GPH at a peak hour of 7am to 8am.

The Project is on a parcel that is improved with a structure that is currently vacant. The parcel is 2.26 acres in size and maintains mature vegetation where the adjacent residential use is located. The mature vegetation will remain. The lighting is downcast and the landscaping will be code compliant. The Project's appearance is similar to what was constructed at 211 and 1159 Troy Schenectady Road, which has been well received by the community in both use and appearance. Per the requirements set forth in the NYSDEC Stormwater Design Manual for this project is classified as a Redevelopment Activity. The WQV (Water Quality Volume) treatment requirements have been met with a combination of impervious cover reduction and alternative treatment in a Hydrodynamic separator. The sewer will hook up to the municipal system. The CFI representatives have already had discussions with the Town Officials and have been advised that public water and public sewer will be available for the Project. As a result, the gas use will have no adverse impact on the facilities or the public infrastructure.

The Project is anticipated to be commenced in April of 2019 and completed by September 2019. There is no anticipated impacts on Town communication systems or devices.

The Applicant proposes to install state-of-the-art double wall tanks and piping. The proposed double-wall fiberglass underground storage tanks and piping with associated monitoring devices meet and exceed those mandated by State and Federal regulations. The Applicant will install two 24,000 gallon compartmental tank. Both tanks will be double-wall fiberglass, rustproof, with secondary containment, continuous leak detection, monitoring wells in the pad surrounding the tanks, and a built-in precision test capability. The Applicant will install a Veeder-Root TLS-350 interstitial monitoring system with an audio-visual alarm system. This state-of-the-art tank monitoring system manufactured by Veeder-Root provides continuous monitoring of the interstitial space of the double-wall tanks and leak detection that meets all applicable EPA regulations. The tank inventory monitor is connected to the Applicant's central computer system for dispatching trucks. Tank overfills are prevented because the Applicant's dispatcher will schedule deliveries only when tanks are empty and require filling. The added feature to this system is that, if any other system monitors are activated, the dispatcher is automatically notified. The system also notifies store employees immediately when the sensor is activated. When the tank is being filled, the inventory monitor acts as a high level gauge activating an audible and visual alarm when the volume in the tank reaches 90% of the tank volume. The driver is required to be at the tanker truck manifold and therefore has sufficient time to stop flow into the tank.

Further, spill containment manholes, where the tanker hose connects to the fill pipe, are required to contain only 3 gallons of potential spill. The Applicant's spill containment manholes can hold up to 25 gallons. Fuel dispensing hoses are equipped with "break away connections" which prevent spills should a customer forget to return the nozzle to the dispenser. These design

and institutional features, such as the double-wall tanks and sophisticated monitoring system, provide adequate site and environmental protection and a technologically superior facility equipped to address any potential environmental concerns.

Solid waste will be contained in closed dumpsters in a masonry dumpster enclosure. Solid waste from the dumpster will be hauled to an approved landfill by a qualified waste disposal company.

With the improvement of this land all impacts to adjacent lands will be mitigated since the property current maintains a vacant commercial building. With the construction of this Project, the inclusion of storm water and landscaping and an overall revitalization of the land, any impacts to adjacent landowners including noise, light, and drainage, will be minimal.

Project contacts:

Contact Person for Project: Stefanie DiLallo Bitter 518-832-6419

Project Engineer: Bohler Engineering, James Gillespie 518-432-9900

Traffic Engineer: VHB, Wendy Holsberger 518389-3638

Project Architect: Harrison French & Associates, Meghan Vincent 508-528-0770 ext 423

Waivers of Design Requested/ Incentive Zoning Provisions

1. 190-40(A)(1)(a)- *Buildings must present their main facade and entrance toward the street. Buildings should be oriented parallel or perpendicular to the public sidewalk and allow for parking in the rear or side of the proposed structure.*

Due to the canopy being in the front of the building, a waiver is sought from this provision.

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Site Statistics

ZONING ANALYSIS TABLE

| ZONING DISTRICT | COR - COMMERCIAL OFFICE RESIDENTIAL SUPERMARKET IS A PERMITTED USE | | |
|---|---|---------------|------------------------|
| ZONE CRITERIA | REQUIRED | EXISTING | PROPOSED |
| MINIMUM LOT AREA | 20,000 SQFT | 98,628 SQFT ± | UNCHANGED |
| MINIMUM LOT WIDTH | 100 FT | 258 FT ± | 258 FT ± |
| MAX. BUILDING FOOTPRINT | 30,000 SQFT | 6,381 SQFT ± | 10,001 SQFT |
| MAX./MIN. SETBACK FRONT YARD | 20' | 85.4 FT ± | 68.6 FT ± * |
| MIN. LEFT SETBACK SIDE YARD | 10' ONE SIDE / 25' TOTAL | 82.0 FT ± | 59.0 FT ± |
| MIN. RIGHT SETBACK SIDE YARD | 10' ONE SIDE / 25' TOTAL | 115.3 FT ± | 87.4 FT ± |
| MIN. SETBACK REAR YARD | 15' | 157.9 FT ± | 148.2 FT ± |
| MIN. PARKING SETBACK FRONT YARD | 15' | 111 FT ± | 82.5 FT ± |
| MIN. PARKING SETBACK SIDE YARD | 10' | 52 FT ± | 10.0 FT ± |
| MIN. PARKING SETBACK REAR YARD | 15' | 70 FT ± | 82.5 FT ± |
| MIN. SIGN SETBACK | 15' | 19 FT ± | 15 FT ± |
| SIGN HEIGHT RESTRICTION | 20' | 20' ± | 25'-0" |
| MAX. BUILDING HEIGHT | 75' | 30' ± | 32'-10" |
| GREEN SPACE MINIMUM | 35% | 40% ± | 52% ± |
| INTERNAL GREEN SPACE | 1060 SF | 0 | 1069 SF |
| INTERNAL GREEN SPACE CRITERIA | 20 SF / PARKING SPACE (BASED ON 53 SPACES) = 1060 SQFT | | |
| MIN. PARKING/LOADING/STORAGE RESIDENCY BUFFER | 50 FT | 152 FT ± | 82.5 FT ± |
| MIN. RESIDENCY BUILDING SETBACK | 100 FT | 152 FT ± | 148.2 FT ± |
| MIN. SEPARATION TO RESID. ZONE | 100 FT | 152 FT ± | 148.2 FT ± |
| PARKING SPACES | 53 | 183 | 53 (W/ CANOPY PARKING) |
| PARKING CRITERIA | 1 SPACES / 100 SF GROSS FLOOR AREA 5,275 SF / 100 = 53 | | |

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