



**Village of Colonie  
PLANNING COMMISSION  
ALBANY COUNTY  
NEW YORK**

VILLAGE HALL  
2 THUNDER ROAD  
COLONIE, NY 12205  
(518) 869-7562  
FAX (518) 464-0389  
e-mail:  
ahart@colonievillage.org

**MINUTES  
TUESDAY, JULY 17, 2018  
6:30 P.M.**

The regularly scheduled meeting of the Village of Colonie Planning Commission was held on Tuesday, July 17, 2018

ROLL CALL:           Chairman               Chris Dennis

                          Commissioners:       John Martin  
                                                          Ann Krause  
                                                          Mike Tommaney  
                                                          Peter Chudzinski  
                                                          Kenny Hart  
                                                          Dan Judge  
                          Village Attorney:   Victor Caponera

                          Village Engineer:   R.J. Laberge

Chairman Dennis opened the meeting at 6:30. Commissioner Hart led the Pledge of Allegiance and asked that all phones and pagers be silenced. The Commission reviewed the minutes from June 19, 2018. Commissioner Tommaney made a motion to approve the minutes as amended. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve from the June 19, 2018 regular meeting minutes as amended.

**APPLICANT:**

**16 JUPITER LANE  
EMPIRE FIRE PROTECTION  
(Tenant Change)**

Mr. Elliot Feinman came before the Commission to propose a tenant change at 16 Jupiter Lane suite 4. Mr. Feinman stated that this tenant is a fire extinguisher and alarm system company. Commissioner Hart asked if the applicant will be testing fire extinguishers. Mr. Feinman stated that he did not think so. Commissioner Hart stated that if the applicant is testing extinguishers then that requires a load test and pressurizing equipment. Engineer Laberge asked if there is something special needed when servicing extinguishers. Commissioner Hart stated that a pit or some kind of protective enclosure is needed. Commissioner Martin stated that it is ok if the applicant is just providing extinguishers but it is not ok if the applicant is testing or refurbishing extinguishers. Mr. Feinman stated that this applicant will just be providing fire extinguishers, there will be no testing at this location. Commissioner Hart asked if there will be any outside storage. Mr. Feinman stated that there will not be any outside storage.

Commissioner Martin made a motion to approve Empire Fire Protection at 16 Jupiter Lane with the condition that there will be no servicing of fire extinguishers or hood systems, if that changes the applicant is required to come back before the Commission. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the application as presented.

**APPLICANT:**

**1615 CENTRAL AVE  
CALIBER COLLISION  
(Tenant Change)**

Mr. Vartan Jerian Jr., owner of 1615 Central Ave and Mr. Rich Tanchyk owner of H&V Collision came before the Commission to present a tenant change. Mr. Tanchyk stated that all H&V locations are being acquired by Caliber Collision. Caliber Collision is out of Texas and both Mr. Jerian and Mr. Tanchyk will represent Caliber Collision as it pertains to this application.

Engineer Laberge stated that as he understands, all business operations remain the same however the new owners must be aware of the original conditions of approval set for H&V. Attorney Caponera asked if Enterprise will still be operating at this location. Mr. Tanchyk stated yes, the operations of Enterprise will not be changing. Commissioner Martin asked if there are cars still parked on the adjacent property. Mr. Tanchyk stated that H&V pursued parking along Central Ave and decided to obtain dedicated parking on an adjacent site which has helped out. Both Engineer Laberge and Attorney Caponera stated that they saw paperwork pertaining to the parking.

Chairman Dennis asked if all operations of the business are remaining the same. Mr. Tanchyk stated yes. Mr. Jerian stated that the Safety Data Sheet (SDS) was submitted with the application. Commissioner Martin stated that there has been previous issues pertaining to odor coming from the property and effecting surrounding properties. Commissioner Martin reminded the applicants that the doors must remain shut at all times. Commissioner Krause stated that the back doors are left open. Mr. Jerian stated that there is a fire door and overhead door in the back that he will remind workers to shut. Attorney Caponera stated that the narrative submitted was not articulate or detailed enough. Attorney Caponera asked Mr. Tanchyk to explain what the business operations are. Mr. Tanchyk stated that there are no oil changes and that light body work is performed. The hours of operation are to remain the same.

Chairman Dennis stated that he would like to see a letter stating a clarification of services with descriptions of all services and actions of the business and which should be submitted for the next scheduled meeting on August 7<sup>th</sup>. Chairman Dennis also stated that he would like to see a list of what H&V's business operations are and what Caliber Collisions business operations are. A site plan application was presented, however, since this is considered a change of tenant, a change of tenant application should be filled out and submitted for the next meeting. Mr. Jerian and Mr. Tanchyk agreed and stated they will be back in August.

**APPLICANT:**

**1725-1727 CENTRAL AVE  
ERIC WEINER  
(Grading and Clearing)**

Mr. Eric Weiner came before the Commission to present a grading and clearing application for his property at 1725-1727 Central Ave. Mr. Weiner stated that he is looking to grade this parcel and prep it for potential builders. Mr. Weiner stated that he began grading and clearing the sand a few years ago and was issued a stop work order. He is looking to finish the job. Mr. Weiner stated that the grade along Central Ave will match the existing grade on the back side of the sidewalk and that the area with frontage will be flat. The top of the slope, along the retaining wall, will follow the slope to Central Ave. Mr. Weiner stated that he will seek satisfaction from the Village Buiding Department before construction equipment is moved off the property.

Engineer Laberge stated that the Commission will decide if a more thorough application is required. Engineer Laberge stated that the Commission should set some conditions to the approval. The conditions may pertain to the seeding, monitoring and maintenance of the vegetation growth to no more than 4 inches. Mr. Rivera stated that the adjacent lot with the retaining wall is 10 ft. from the top of slope. Commissioner Hart asked if there is any drainage needed. Engineer Laberge stated that no drainage is required as the parcel is to be flat. Commissioner Judge stated that he does not want to see any sand blowing across Central Ave or trucks dragging sand across as they enter Central Ave. Chairman Dennis asked Mr. Weiner if he plans to hydro-seed. Mr. Weiner stated yes he will hydro seed. Engineer Laberge stated that the trucks will be entering and exiting out of the side street on Birch Ave. Mr. Weiner stated that he has to apply for a permit to change the public right away and maintain it as his own.

Commissioner Martin made a motion to approve the grading and clearing application for 1725-1727 Central Ave as submitted with the conditions identified in Engineer Laberge's July 16, 2018 letter. Commissioner Krause seconded the motion.

VOTE: Unanimous to approve the application as presented.

**APPLICANT:**

**124 LINCOLN AVE  
MARCACO, LLC  
(Subdivision & Site Plan Approval)**

Mr. Nick Costa from Advanced Engineering, Mr. Joe Clark and Mrs. Mary Clark owners of Marcaco LLC came before the Commission to update them with any changes made and seek to final approval for the subdivisions and site plans. Mr. Costa stated that the building and road were realigned so the water lines go under the grass and not the pavement. Therefore the lot line between lots 1 and 2 has been changed. The lot line to encompass the storm water detention treatment system requirements are not in lot 2. An easement has been added to lot 3 to allow for emergency vehicle access if needed. Mr. Costa also stated that there have been minor landscaping changes. Due to the water line relocation some trees have been relocated to avoid these laterals. The sanitary sewer will be connected to a sewer connection with the Village. Chain link fences will be put up to separate lots 2 and 3 and also lots 1 and 3.

Attorney Caponera asked if the front building on lot 1 is the same size. Mr. Costa stated yes the building will remain the same size. Attorney Caponera stated that the elevations for each building have not been submitted into the record yet. Mrs. Clark had a copy of the elevations and submitted them into the record. Chairman Dennis asked what the status of the Environmental Assessment Form (EAF). Engineer Laberge stated that he has reviewed the EAF and based on his review there is no further action needed and the Board may proceed. Commissioner Martin asked Engineer Laberge if there is a letter stating so. Engineer Laberge stated no there is not, it has been stated in a previous correspondence letter.

Commissioner Martin made a motion to approve the EAF; based on the information provided this action should have no significant adverse environmental impacts. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the EAF as submitted.

Chairman Dennis stated that he personally does not have any issues with this site. As for the change of the boundary lines, the Commission must decide whether the change of boundary lines are significant enough to hold another public hearing. Attorney Caponera stated that the subdivision and public hearing was on a plan that has since been changed. Attorney Caponera asked if the Commission thinks the changes are significant enough to hold another public hearing. Attorney Caponera stated that he does not think the changes are substantial enough to request another public hearing.

A poll was taken by each Commission member to determine if another public hearing is required:

Commissioner Chudzinski:	NO
Commissioner Tommaney:	NO
Commissioner Judge:	NO
Commissioner Krause:	NO
Commissioner Martin:	NO
Chairman Dennis:	NO
Commissioner Hart:	NO

Vote is unanimous to proceed with the changed boundary lines without a new public hearing.

Chairman Dennis stated that he did not like how the trees were altered on the revised landscaping plan dated July 12, 2018. Chairman stated that he met with the applicant and maple trees have been moved on lot 2. Mr. Costa stated that there is an area by the Colonie Block building where materials are currently stored. The materials will be moved in phase 2 and pine trees will be planted in that place to help screen visibility from Shambrook Parkway.

Commissioner Martin asked if the easements have been submitted to Attorney Caponera for review. Attorney Caponera stated that he has not seen any of the easements but that has been because the easements change as the site changes. Commissioner Martin asked about the auxiliary parking as discussed in the last meeting. Engineer Laberge stated that there is another easement on lot 2 for the purpose. Commissioner Martin asked if there is a list of all the required

easements. Engineer Laberge stated that no but there are about 12 or 13 total easements. Mr. Clark agreed with Engineer Laberge. Attorney Caponera suggested that there be a cross access maintenance agreement to show who will maintain, plow, salt etc. the roads. The main road into the complex will be maintained as part of Lot 1. Chairman Dennis stated that he would like to see the debris removed on Lot 3 before a Certificate of Occupancy is issued.

Chairman Dennis asked what the color scheme is for the building elevations. Mr. Clark stated that it will be charcoal gray and white. Commissioner Hart asked about the windows on the rear of the building. Mr. Clark stated that the windows should not be there. Engineer Laberge stated that the site plan needs to be amended reflect elevation and floor plan changes. The following sheets need to be revised and resubmitted:

A 204  
A 202  
A 303  
A302

Commissioner Martin made a motion to approve the subdivision for 3 lots at 124 Lincoln Ave. Commissioner Tommaney seconded the motion.

VOTE: Unanimous to approve the subdivision as amended.

Subsequent conversations regarding the additional site plan requirements prompted Commissioner Hart to make a motion to rescind the motion to approve the subdivision at 124 Lincoln Ave. Commissioner Martin seconded the motion.

VOTE: Unanimous to rescind the motion for subdivision approval.

Engineer Laberge stated that he will add 3 points to his letter dated July 16, 2018 (see attached) based on the conversation at tonight's meeting. They are as follows:

- j. The applicant shall prepare and submit a reciprocal maintenance agreement for review by the Village Planning Commission Attorney. Said document shall be filed in the Albany County Clerk's Office.
- k. The applicant shall resubmit the floor plans and elevations for the buildings; specifically sheets A202, A204, A302 and A303. These plans are to be amended with the windows at the rear of the building deleted, the rear being the side opposite the overhead doors.
- l. The area of rubble removal on Lot 3 shall have the material removed prior to the issuance of a certificate of occupancy for any building on Lot 1. The trees to be planted in that location shall be installed prior to a certificate of occupancy being issued for any building on Lot 2.

Commissioner Martin made a motion to approve a 3 lot subdivision at 124 Lincoln Ave with conditions A-I referenced in Engineer Laberge's July 16, 2018 letter and additional conditions J-L as identified tonight's meeting on July 17, 2018. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the 3 lot subdivision.

Commissioner Martin made a motion to approve site plan for lots 1, 2 and 3 with the same conditions described in the subdivision approval. Commissioner Chudzinski seconded the motion.

VOTE: Unanimous to approve the site plan for lots 1, 2 and 3 at 124 Lincoln Ave.

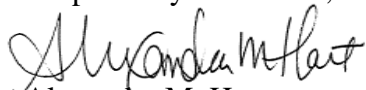
Commissioner Martin made a motion to approve the special use permits for lots 1, 2 and 3 at 124 Lincoln Ave with the same conditions applied to the subdivision approval. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the special use permits for lots 1, 2 and 3 at 124 Lincoln Ave.

Commissioner Martin made a motion to adjourn the meeting. Commissioner Krause seconded the motion.

VOTE: Unanimous to adjourn the meeting at 8:00 p.m.

Respectfully Submitted,



Alexandra M. Hart  
Planning Coordinator  
Village of Colonie