



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

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**MINUTES
TUESDAY, FEBRUARY 5, 2019
6:30 P.M.**

The regularly scheduled meeting of the Village of Colonie Planning Commission was held on Tuesday, February 5, 2019

ROLL CALL: Chairman Chris Dennis

Commissioners: John Martin
Ann Krause (Absent)
Mike Tommaney
Peter Chudzinski (Absent)
Kenny Hart
Dan Judge

Village Attorney: Victor Caponera

Village Engineer: R.J. Laberge

Code Enforcement: Mike Cerone

Chairman Dennis opened the meeting at 6:30 p.m. Commissioner Hart led the Pledge of Allegiance and asked that all electronic devices be silenced. The Commission reviewed the minutes from January 15, 2019. Commissioner Martin made a motion to approve the meeting minutes as amended. Commissioner Hart seconded the motion.

The Commission clarified that the applicant from 1647 Central Ave can construct a vestibule and it would not be a setback violation as long as it did not extend beyond the current overhang. The applicant would need to submit a new site plan. Mr. Cerone would notify the applicant.

VOTE: Unanimous to approve the minutes from the January 15, 2019 regular meeting minutes as amended.

APPLICANT: **1704 CENTRAL AVE
VAPOR GEEKZ
(Change of Occupancy)**

Ms. Kailyn Stewart, District Manager of Vapor Geekz was present before the Commission to seek a change of occupancy for 1704 Central Ave. Ms. Stewart stated that Vapor Geekz sells e-cigarette products. Ms. Stewart explained that e-cigarettes are an alternate to regular cigarettes. E-cigarettes are a healthier alternative to normal cigarettes. Chairman Dennis asked if any work will be done

in the interior. Ms. Stewart stated no work will be done, they will just be moving show cases into the space on the first floor, the second floor will be used for storage. Chairman Dennis asked if there will be any changes to the exterior of the building. Ms. Stewart stated no changes to the exterior, the only change to be made is replacing the wall sign. Chairman Dennis asked Engineer Laberge if this property is pre-existing non-conforming. Engineer Laberge stated that the proposed use for the site is ok, however upon his review of the site, the site is missing some landscaping. Commissioner Hart asked if the property owner is present. Ms. Stewart stated no, he was unable to attend tonight's meeting. Chairman Dennis asked if Vapor Geekz is renting this space. Ms. Stewart stated yes, they will be moving the current store on Central Ave to this location.

Attorney Caponera stated that he suggests the building department hold off issuing a certificate of occupancy until the landowner does the work required to bring the site into compliance. Engineer Laberge stated that the property owner would need to add a handicap parking sign, stripe the parking lot and add landscaping. Ms. Stewart stated that the business is currently operating out of the old site until the end of March so weather may be an issue to getting the work completed. This would necessitate escrow if the work is not completed.

Commissioner Judge asked if there will be any smoking on site. Ms. Stewart stated no, there will only be sale of the e-cigarettes and products. Commissioner Judge asked if there will be any sale of lotto tickets or alcohol. Ms. Stewart stated no. Commissioner Judge asked if there is an age limit on sales. Ms. Stewart stated that it is 21 years old and older to purchase.

Commissioner Martin made a motion to approve the change of occupancy for Vapor Geekz at 1704 Central Avenue with the condition that the site conform to the latest approved site plan prior to issuance of a CO and no exterior changes are to be made to the building. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICANT:

**1586 CENTRAL AVE
DEPAULA – MASERATI
(Site Plan Approval)**

Commissioner Hart recused himself from this application.

Ms. Kathy McCamy, CFO of DePaula, Mr. Dan Hershberg of Hershberg and Hershberg and Mr. Matt Chauvin, attorney, were present before the Commission to seek approval of the proposed site plan application for change of occupancy. Mr. Hershberg stated that the provided site plan has been amended according to Engineer Laberge's comments. Chairman Dennis asked Engineer Laberge to read the responses from the comment letter from Hershberg to what the Commission requested at the last meeting. Engineer Laberge read the comment letter dated January 24, 2019 from Hershberg in response to Engineer Laberge's comment letter dated January 9, 2019.

Mr. Hershberg stated that they ran an auto turn program for large delivery vehicles and found a small piece of greenspace that would be hit with the proposed turning movements. Mr. Hershberg

stated that a small piece of greenspace will be added to accommodate the turning as well as a small piece of the curbing. Both of these pavement changes are located in the front of the building and are shown on the new proposed site plan. The number and locations of various parking spaces are shown on the site plan. Mr. Hershberg indicated on the site plan where the customer, inventory and serviced vehicles will be parked on site. Chairman Dennis asked Mr. Hershberg to indicate on the site plan where the customer parking, employee parking and inventory stock will be. Mr. Hershberg pointed on the site plan and stated that the customer parking will be on the right side and front of the building, employee parking will be in the rear and inventory will be mainly in the front of the building with some overstock parked in the rear. Commissioner Martin asked where the vehicles will be stored before service. Mr. Hershberg stated they will be parked in the rear. Chairman Dennis asked if the existing gates will remain on the site. Mr. Hershberg stated yes.

Mr. Hershberg indicated on the floor plan and elevations where the new front doors are to accommodate the car inventory coming in and out of the building. The doors will be two glass pane doors. Mr. Hershberg stated that the only change inside the building is adding the six lifts which will be relocated from the current dealership site that shown on the submitted floor plan. Mr. Hershberg noted proposed directional and customer parking signage for the site on the site plan. He stated that DePaula would like to reface the existing monument sign. Mr. Hershberg stated that per Engineer Laberge's letter dated January 9, 2019, comments were added to the site plan. Engineer Laberge stated that the Planning Commission's approval will not reflect the proposed signage as there is a Village Sign Review Board who will look at the signage. Mr. Hershberg confirmed this requirement.

Mr. Charles Dumas, resident on Breeman Street, was in the audience and had some questions for the applicant. Mr. Dumas stated that he is worried about lighting on the site and wanted to verify the lights will have shields. Mr. Hershberg stated that the lights do need shields and they will be working with a lighting contractor to insure proper shields are installed. Mr. Hershberg stated that he did not know if the lights can be turned off at night but he is sure DePaula is willing to work with the residents to reduce some of the lighting at night. Mr. Chauvin stated that the lighting is needed for security purposes and therefore will need to be tested to see what is required of the security system. Chairman Dennis asked if the dumpster will be relocated. Mr. Hershberg stated no, it will be in the same spot and size as Progressive.

Commissioner Hart asked, with relation to the January 15, 2019 Planning Commission minutes, if DePaula would be selling all the used trade in cars on this site. Commissioner Hart asked if he trades in a Lincoln for a Maserati, will the Lincoln be stored and put up for sale at this site. Ms. McCamy stated that only high line used cares such as Porsche, Lexus, and Mercedes will be offered for resale on this site. Ms. McCamy also stated that the trade in cars have to be current model year within the past 5 years and pass the NYS Lemon Law. If other non-luxury cars come in on trade, they will be transferred to the other DePaula locations for resale. Ms. McCamy added that 1101 Central Ave will continue the current lease for 1 more year and will be able to store the non-luxury trade in vehicles.

Mr. Charles Vandervolgen, resident of 2 Breeman Street, stated that his property borders 1586 Central Ave and the past property maintenance company cut the lower branches on the pine trees in order to mow. However, the lower limb trees were placed there to help buffer the noise and loud

exhaust. Mr. Vandervolgen asked if there is something that can be done to help buffer the noise, sound and lights that will come from 1586 Central Avenue. Mr. Hershberg stated that on behalf of his client, shrubs can be added to the property in place of the low limbs that are missing. Mr. Hershberg stated that the property owner can commit to pick lower lying shrubs that will thrive in shade. Mr. Hershberg stated he can propose about 15 shrubs. Chairman Dennis asked what is the distance to the pavement from the property line is. Mr. Hershberg stated 54.8 feet. Chairman Dennis suggested that the shrubs be placed closer to the property line, where the trees are staggered.

Mr. Dumas asked how many lights are in the back area of the property. Mr. Hershberg stated there are about 6 lights from the right side and in the rear. Mr. Dumas stated that he spoke with Progressive about the lights before and Progressive was able to dim the lights at night by 50%. Mr. Dumas asked if DePaula would be able to do the same. Mr. Dumas stated that he understand that there will be high end cars on the site but the property is fenced in and the fences have points to deter people jumping them. Ms. McCamy stated that the lights are necessary for the security camera system and also deter people from throwing rocks, climbing over the cars, or damaging the vehicles.

Chairman Dennis asked how many stock vehicles will be on site. Ms. McCamy stated that they will store the majority of the vehicles in the rear with 1 – 2 vehicles of each kind and model up front. Engineer Laberge stated that the site plan shows inventory in front of the building and for customers' viewing. Chairman Dennis asked Ms. McCamy to clarify car storage in both the front and the rear of the building. Ms. McCamy stated that they want as much inventory up front to show the public what is being sold. Engineer Laberge stated that the lighting levels should be higher in the front than in the back if most of the inventory is closer to Central Ave. Chairman Dennis stated that the applicant can work with the site to insure that the minimum requirement to maintain security is used. Engineer Laberge asked if the site is proposed to have higher lighting levels than what is existing. Mr. Hershberg stated that the lighting will be the same as existing. Mr. Chauvin stated that they can test out the lighting to see if the Progressive lighting levels can be maintained for this business operation. It was stated that site lighting levels will also be dependent on the levels needed to ensure proper lighting for the security cameras to function adequately.

Chairman Dennis stated that there are two conditions needed to be made on the approval; the addition of shrubs and lighting. Mr. Chauvin requested that there be a range of the number of shrubs to be planted on the site, as sometimes the number of shrubs set in the approval may actually be too much once they are on the site. Chairman Dennis agreed. Engineer Laberge suggested for the lighting set a limit of 2 -3 foot candles. Engineer Laberge asked what the hours of operation will be. Ms. McCamy stated that they are open Monday – Thursday 7 am – 8 pm, Friday – Saturday 7 am – 6 pm and closed Sundays. Engineer Laberge stated that it is possible to dim the lights to 2-3 foot candles once the business closes. Ms. McCamy stated that would be ok.

Commissioner Martin made a motion to approve DePaula at 1586 Central Ave for the change of ownership and change of occupancy with the condition that 15-20 shrubs be placed on the Breeman Street side of the site and the lighting cannot exceed more than 3 foot candles. Commissioner Tommaney seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICANT:

**38 WOLF ROAD
HOBBY LOBBY
(Change of Occupancy)**

Ms. Becky Schingler, construction manager for the Northeast region for Hobby Lobby came before the Commission to present updates made to the site plan based on comments made at the December 4, 2018 meeting. Ms. Schingler stated that the site plan reflects updated shrubbery and trees with a relocated back entrance to accommodate the future street. The parking lot has also been updated with proposed striping. Chairman Dennis stated that most of the islands driving into the site have not been maintained. Ms. Schingler agreed and stated that the entire parking lot will be redone and cleaned up. Chairman Dennis stated that the shrubbery is good, it just needs to be maintained. Chairman Dennis stated that some landscaping was added to soften the building. The site plan shows shrubs and grass; Chairman Dennis asked if there is a line between the two. Commissioner Martin suggested that edging and mulch be provided to separate the grass from the landscaping.

Engineer Laberge stated that in his comment letter that the drive aisle dimensions need to be shown on the site plan. Engineer Laberge stated that it is not shown on the site plan and the drive aisles do not appear to be at the minimum of 24 feet. Engineer Laberge stated that no parking signs need to be added along the curb or on the building and the evergreens shown on the site plan say 5-6 feet in height. They must be a minimum of 6 ft. Engineer Laberge added that if the wall packs are going to be changed then cut sheets will need to be provided. Ms. Schingler asked if the no parking signs need to go on the curb or the building. Engineer Laberge stated that it is up to Hobby Lobby. Ms. Schingler stated that Hobby Lobby is on a construction schedule 90 days from the date of permit issuance, so the landscaping should not be a problem as it will be spring.

Commissioner Judge asked if there will be cart canopies in the parking lot. Ms. Schingler stated no, employees will go out into the parking lot and collect them and bring them inside.

Engineer Laberge reiterated the items that need to be changed on the site plan; change tree height to 6 ft. minimum and add edging to the landscaping, add parking lot width dimensions with a minimum of 24 feet, cut sheet for the lighting and addition of the no parking signs. Chairman Dennis stated that once Ms. Schingler updates this information she should send it over to Engineer Laberge for review and confirmation that all items have been added. At that point Hobby Lobby should submit the necessary copies for the next meeting. Chairman Dennis stated that once that is done and the Village Engineer has confirmed completion, it is not necessary for the applicant to come back before the Commission, a decision can be rendered without the applicant present. Ms. Schingler thanked the Commission.

Code Enforcement Officer Mike Cerone told Ms. Schingler that he will not review any plans for the alarm, sprinkler system or anything else pertaining to the building permit until approval is granted by the Commission. He added that he will not look at anything until a complete package including the alarm system, sprinkler systems, and other building accessories are submitted with the building permit application. Ms. Schingler stated that she will let her constituents know.

APPLICANT:**1770 CENTRAL AVE
ROSETTI DEV. -PIONEER BANK
(Site Plan)**

Mr. Nick Costa from Advance Engineering was present before the Commission for a site plan review of a proposed Pioneer Bank at 1770 Central Ave. Mr. Costa stated that the site was previously in front of the Commission last year for a proposed Starbucks. Mr. Costa stated that the project was approved however the project has since relocated to Wolf Road. Mr. Costa stated that Rosetti has since obtained an agreement with Pioneer Bank to go into the same proposed location. The proposed building is the same size as the approved Starbucks, however the drive thru configuration and canopy has been changed. Mr. Costa stated that the canopy over the door is only 21 feet from the property line, violating the 25 foot setback, and will need to obtain an area variance from the Zoning Board of Appeals. Mr. Costa indicated on the site plan that the canopy is on the west side elevation facing Central Ave. Mr. Costa added that the canopy cannot be flipped to the other side of the building because it would not be compatible the parking configurations.

Chairman Dennis stated that colored elevations will need to be submitted. Chairman Dennis asked if the width of the proposed building is the same as Starbucks. Mr. Costa stated that he would have to double check. Mr. Costa stated that there would be no change to the layout, however the drive thru was changed to accommodate two lanes, one for the teller and one drive up ATM. Commissioner Martin asked if there will be an ATM in the lobby. Mr. Costa stated no, only the exterior ATM.

Attorney Caponera asked if the minimum parking requirement will be maintained. Mr. Costa stated yes the only change to the parking was associated with the Wendy's application. Chairman Dennis asked if there will be any changes to the previously approved landscaping plan. Mr. Costa stated the approved landscaping plan will remain as approved. Chairman Dennis asked that the landscaping plan be submitted with the new planning submission. Engineer Laberge stated that the application will need to go to the Albany County Planning Board for referral due to the buildings proximity to Central Ave.

Commissioner Martin made a motion to deny the application due to the front yard setback violation. Commissioner Hart seconded the motion.

VOTE: Unanimous to deny the application as presented.

DISCUSSION:

Mr. Cerone updated the Commission on the building permit for 4 Pillar Fitness at 25 Walker Way 3C. Mr. Cerone stated that it was brought to his attention and was promoted on social media that the business will be offering massages. Mr. Cerone stated that there is also a significant amount of construction being done in the tenant space when the permit application stated no work would be done. Mr. Cerone stated that a stop work order was issued and the owner was advised he will need to resubmit an application to the Commission. Chairman Dennis stated that the application did not

mention anything about massages and therefore was not approved for that use. The business will need to resubmit an application and reappear before the Commission.

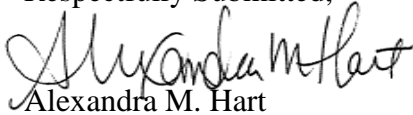
Mr. Cerone informed the Commission about an ad to rent rooms out of 2 Locust Park, the house located directly next to the Brazilian restaurant at 1647 Central Ave. Mr. Cerone stated that the add was to rent 2 bedrooms, 1 bath and no kitchen and stated that the rental would change the classification of the property to a boarding house, not a single family residence. Mr. Cerone stated that there is nothing in the building code that states a kitchen is required. Engineer Laberge stated that the landlord is free to lease the property as a single family house, not individual rooms. Chairman Dennis raised a question about the potential of food prep being done in the house for the restaurant. Chairman Dennis asked for Mr. Cerone to look into this further.

Mr. Cerone and the Commission discussed truck traffic coming out of Freihoffer's and a previous Commission approval. Mr. Cerone and the Commission discussed the "no truck traffic on Lincoln Ave" sign.

Commissioner Hart made a motion to adjourn the meeting. Commissioner Judge seconded the motion.

VOTE: Unanimous to adjourn the meeting at 7:55 p.m.

Respectfully Submitted,



Alexandra M. Hart
Planning Coordinator
Village of Colonie