



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

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**MINUTES
TUESDAY, APRIL 2, 2019
6:30 P.M.**

The regularly scheduled meeting of the Village of Colonie Planning Commission was held on Tuesday, April 2, 2019.

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
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 March 19, 2019. Commissioner Martin made a motion to approve the meeting minutes as amended. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the minutes from the March 19, 2019 regular meeting minutes as amended.

APPLICANT: **VISION PLANNING CONSULTANTS
29-31 FERMAC STREET
(SITE PLAN APPLICATION)**

Mr. Ted DeLucia from Vision Planning Consultants and Mr. Nick Costa from Advance Engineering were before the Commission to present an updated site plan for the project located at 29-31 Fermac Street. Mr. DeLucia stated that when this application was before the Commission about a year and a half ago the application was denied due to the need of an area variance. Mr. DeLucia stated that a variance was granted in October 2018 for a reduced lot size and front yard lot width. Mr. DeLucia added that the ZBA added a condition that required a buffer be added between the proposed two family dwellings and the existing residential single family homes. Mr. DeLucia added that he plans to add tall arborvitae to each side of the proposed parcels and there

is an option for a fence as a landscaping buffer. Mr. DeLucia stated that he met with DPW Superintendent Lester Decker regarding what he preferred for a type of buffer and Mr. Decker stated that he will support whatever buffer option the Commission decides.

Mr. DeLucia stated that he also spoke to Mr. Decker regarding the drainage and sewer availability on the proposed sites and the site will be able to connect to the existing utilities. Mr. DeLucia also stated that there is a sanitary sewer easement to Route 155. Mr. DeLucia stated that the water department will require two 1 inch lines to each residence and two 6 inch sewer laterals. Mr. DeLucia stated that the project meets the 1% requirement for pitch; the two-family houses will be slab on grade with no basements which meets the MS4 regulations. Mr. DeLucia stated that Engineer Laberge's letter indicated that a SWIPP renewal permit is required, however the total acreage for each lot is .17 and is therefore under the threshold. Commissioner Martin noted that the site plan stated the total acreage for the site is greater than one acre.

Mr. Costa stated that during the ZBA hearing, the required storm water main was discussed and the residents of Fermac voiced their concerns about the existing drywell. Mr. Costa stated that it was found that the existing drywell was not functioning at capacity and lost its efficiency to recharge back into the soil. Mr. Costa stated that the soil was tested and tests confirmed that the soil was capable of providing adequate percolation. Mr. Costa stated that the storm water report is proposing to replace the drywell with overflow pipe. The overflow would be flow into the swale, and then into the culvert under Route 155. Mr. Costa explained that the created swale water is intercepted within the state right-of-way; there are also infiltrate basins for overflow. Chairman Dennis asked where the collection was on site. Mr. Costa indicated on the site plan where the overflow would flow across the adjacent property into the NYS system which will all be graded to flow to the low point. Mr. Costa also indicated on the site plan detailed sections of the pipe and swale system. Commissioner Martin asked about if a drainage easement in the rear of the property is required to account for the overflow running over to the adjacent property. Engineer Laberge stated that the water flows to the Wolford property already and the water will be reduced because of the updated capturing system including a 25 year basin.

Chairman Dennis asked Engineer Laberge to go over his review letter dated March 27, 2019.

- a. Special permits are required for each lot
- b. A work permit is needed due to discharge on NYS property
- c. Albany County Planning Board referral is needed due to jurisdiction lines within 500 feet
- d. SWIPP is a rough measurement but can be reviewed and calculated
- e. Easements are required as well as property transfer needs to be conveyed to the Village. A separate map indicating lands being conveyed is required and needs to show ingress/egress easements, drainage easements and cross access easements
- f. Restricted easement is required in the sewer easement area preventing alteration of grades after completion of work
- g. The proposed utilities need to be indicated on the site plan and reviewed by the Village DPW Superintendent

Engineer Laberge asked where the sewer connection will be. Mr. DeLucia indicated on the site plan and stated that the location is easier based on the elevations. Engineer Laberge stated that there is a shorter run elsewhere. Engineer Laberge asked how many connections there will be for each unit. Mr. DeLucia stated that there will be a single connection to each building; 1 inch for

each that will reduce to $\frac{3}{4}$ at the curb. Engineer Laberge stated that he will need to check the code regarding the number of water meters for each dwelling.

Commissioner Martin asked where the pedestrian facilities cited in the environmental report were located. Engineer Laberge stated the sidewalks along Central Avenue are considered to be the pedestrian facilities. When asked if there will be sidewalks connecting this proposed site with Central Avenue, Engineer Laberge stated that no sidewalks are planned.

Attorney Caponera asked Mr. Costa to point out the easements on the site plan. Mr. Costa indicated on the site plan where the easements are. Attorney Caponera indicated on the site plan where 30 feet needs to be granted to the Village of Colonie through a utility easement. Attorney Caponera stated that he will need to be provided all the easement information to review in addition to maps demonstrating where the easements are.

Chairman Dennis stated that a public hearing is required for the subdivision and special permits. Chairman Dennis stated that the Commission will discuss a date to set the hearings to be run concurrently. Chairman Dennis asked if the applicant applied to Albany County for their work permit. Mr. Costa stated not yet.

The applicant will return for the public hearings.

APPLICANT:

**1770 CENTRAL AVE
ROSETTI DEVELOPMENT
(Site Plan Review)**

Mr. Nick Costa from Advanced Engineering came before the Commission to present updates to the site plan revisions at 1770 Central Ave for the proposed Pioneer Bank. Mr. Costa stated that this application was previously before the Commission but was denied due to the need for an area variance for a canopy over the door. Mr. Costa stated that the Village code requires a 25 foot setback from the curb line and the canopy comes to 21 feet back from the curb line. The Zoning Board of Appeals granted the 4 foot variance and also required that another form of egress be added to the building. Mr. Costa stated that the additional form of egress is planned for the eastern side of the building but has not yet been added to either the site plan or floor plan. Commissioner Hart asked if the main entrance of the building is on the Central Ave side. Mr. Costa stated yes which is why the canopy is required. Chairman Dennis asked if the reason for the other door was for safety reasons. Attorney Caponera stated that the international building code does not require two forms of egress for a building this size, however the ZBA can designate conditions that exceed the building code.

Engineer Laberge reviewed his letter dated March 28, 2019.

- a. An Albany County Planning Board referral is required- Coordinator Hart stated that it has been submitted and is on the April ACPB agenda.
- b. A color rendering is required for the building
- c. The scroll sign is not permitted under code and shall be removed, additional applications are required for the Village Sign Review Board

Commissioner Martin stated that he drove by the site and stated that he is not convinced the plaza is policing the “park and ride” people. Mr. Costa stated that he will notify Mr. Rosetti of the issue. Commissioner Hart stated that if you look at the bank, on the left hand side between the west side and the entrance of the building that is where the snow is being piled during the winter. Commissioner Hart asked where the snow piles will go in the future. Mr. Costa stated that snow removal has not been discussed but he can however provide on the next site plan where the snow piles will go.

Chairman Dennis stated that the Commission needs the Albany County Planning Board referral before a decision can be made. Chairman Dennis stated that he would like the last approved landscaping plan to be submitted as well as the color rendering and floor plan including the second egress door. Engineer Laberge stated that a landing and canopy will need to be included for the second egress door. Mr. Costa stated he will put it on the site plan.

The applicant will return.

APPLICANT:

**10 JUPITER LANE
(SKETCH PLAN REVIEW)**

Chairman Dennis stated that he and Engineer Laberge met with the applicant for 10 Jupiter Lane regarding a proposed sketch plan. Chairman Dennis stated that he invited the applicant to tonight’s meeting so the Commission can give comment before a formal application is received.

Attorney Caponera stated that he represents the property owner and therefore must recuse himself from the application. Attorney Caponera stated that due to the nature of the application, another attorney is highly suggested. Attorney Caponera recommended Attorney Andrew Gilchrist who worked with the Commission for the Cumberland Farms application. The Commission noted that Attorney Andrew Gilchrist will also be required for any ZBA hearings pertaining to this applicant. Engineer Laberge stated that he will call Attorney Gilchrist in the morning.

Mr. David Everett an attorney from Whiteman, Osterman, and Hanna LLP and Mr. Scott Uher from CESO were before the Commission to present a sketch plan review for their client who is looking to lease 10 Jupiter Lane. Mr. Everett stated that his client is looking to propose a distribution center and his client is aware that a site plan, special use permit, and SWIPP are all required for the formal application. Mr. Everett stated that he is looking for direction and guidance on the site plan/project details as his client is currently negotiating a lease agreement with the landlord. Mr. Uher stated that through a FOIL with the Village, they have obtained the architect of record and all building revisions for the site. Mr. Uher indicated on the site plan the original warehouse location with an addition on the northwest end of the warehouse. Mr. Uher stated that there is existing warehouse space on the north end of the building. Mr. Uher stated that the proposed course of action is to demolish the northwest structure with the recessed loading dock and garage overhead doors that feed into the warehouse and leave 6 remaining truck births on the north side of the building.

Mr. Uher stated that this business operates as a last mile delivery warehouse, similar to the functions of UPS, DHL, and FedEx. A tractor trailer comes in at night, is unloaded, the packages

are sorted, put on a conveyer belt and placed on baker racks. Smaller van like vehicles will pull into the west end of the warehouse, queued up east to west, the trucks are then loaded and leave the building for final delivery. Mr. Uher stated that the site will function as it does currently with the parking area on the west side and loading area and employee parking on the north end; there is also additional parking on the east side of the office. The recessed loading dock will be filled up and brought up to grade to improve the parking area and green space.

Mr. Uher stated that the functions of the business are vehicular intensive and a traffic study is currently being conducted to study the traffic impacts. NYS DOT will also be involved in the study. Mr. Uher stated that the delivery vans load inside the building, they are queued up in waves during the day and are continuous. This business is a direct service provider, people are not able to come in and pick up their packages. Mr. Uher stated that there will be 77 employee parking spaces and 99 parking stalls for the vans. The vans will load and leave on a rotating basis throughout the day.

Mr. Uher stated that the building currently sits 6 feet off of the southeast property line and is pre-existing non-conforming. Mr. Uher stated that the green space with the proposed changes comes to 19% which is under the required 25%. Mr. Uher asked if the Commission, or ZBA was willing to explore options to build out the plan as a phase development. Mr. Uher also stated that they are exploring the option of, after approval for the comprehensive plan, going in front of the ZBA for additional parking and potential offsite parking should the operation warrant it. Chairman Dennis asked what the current green space is without the proposed changes. Mr. Uher stated that should be on the survey that is being conducted. Engineer Laberge stated that they should look at the last approved landscaping plan for the current tenant, Duravent. Mr. Uher stated that he believes there is about 27% green space currently which in compliance of Village Code.

Commissioner Martin asked if this is a 24/7 operation. Mr. Uher stated yes it is. Commissioner Martin asked how many vans fit in the warehouse. Mr. Uher stated that 36 vans sit queued in the building and they all leave at once for delivery. Commissioner Martin asked how long it takes to load a wave. Mr. Uher stated that that information will be in the traffic study, however he can speak to other similar operations. Mr. Uher stated that about 37 vans depart every 30 – 60 mins. Mr. Uher gave the example of the vans departing at 8:30 am, 9:30 am, 10:00 am, etc. Commissioner Martin asked how the overall flow of vehicles will be addressed within the site. Mr. Uher stated that the information is being studied and will be discussed with NYS DOT. Commissioner Martin asked what timeframe the tractor trailers make their deliveries during the night. Mr. Uher stated that they usually come in around 1-2 a.m. and there are around 11 tractor trailer deliveries per day. Chairman Dennis asked if the tractor trailers will be enclosed during the unloading process. Mr. Uher stated that the trailers can fit under the covered overhead doors however he believes that the trailers are too long for the doors to be closed. Mr. Peter Luizzi, property owner who is in the audience, stated that the trailers are able to fit in the bays with the doors down. There are CO and exhaust systems in place for emergencies.

Commissioner Hart asked where Broderick Street was on the site plan. Mr. Uher located both Broderick Street and Walker Way for the Commission members. Mr. Uher also pointed out that National Grid owns a strip of land with powerlines that can act as a buffer to Broderick Street. Mr. Uher added that the buffer and foliage is substantial at the height of the warmer seasons.

Commissioner Martin stated that a noise study is highly suggested and has been required for previous applications before the Commission. Mr. Uher stated that the previous tenants for this site include FEMA and a liquor distributor and both had a 24/7 business operation and the topography rise makes it difficult to see and hear business operations from the neighboring residential street. Commissioner Judge stated that if you stand at the intersection at Gail Ave and Broderick St you can clearly see the building. Commissioner Judge also raised some concern over the tractor trailer beepers and the lighting plan. Mr. Uher stated that he can include a photometric plan with the formal submission.

Commissioner Hart asked what type of vans are used for deliveries. Mr. Uher stated that they are sprinter vans, specifically the Mercedes extended cab vans. Chairman Dennis asked what the number of parking spaces was for the vans. Mr. Uher indicated on the site plan where the parking lot is and stated there are 337 parking spaces for the vans and 107 parking spaces for employees. Commissioner Hart asked if the vans run on diesel or gasoline. Mr. Uher stated that he did not know. Chairman Dennis asked what the number of employees are. Mr. Uher stated that there are 68 employees per shift and a total of 133 employees in and out per day. Mr. Uher stated that there will be approximately 266 trips taken per day by the delivery vans. Chairman Dennis asked if there will be enough parking spaces for employees. Mr. Uher stated that if there are parking spaces then the employees are told to park in the bleed over spots with the vans.

Commissioner Tommaney asked if this is the first distribution center for this business in the area. Mr. Uher stated that this will be the first one in the Albany area at this size. Commissioner Martin asked what the building size is. Mr. Uher stated that there is 9,700 sq. ft. of office space and 113,300 sq. ft. of warehouse for a total of 123,000 sq. ft. with the proposed changes. The site currently now is 138,000 sq. f.t. Mr. Uher stated that there is a small strip of green space owned by the Village of Colonie before the National Grid property and asked if he thought the Village would set up a lease agreement to allow cars to be parked on that property. Engineer Laberge stated that there is also drainage on the property and it is unlikely the Village will get involved. Engineer Laberge stated that the applicant will need to find the boundary line between the Residential A and Commercial D as a 100 foot buffer is required. Commissioner Martin notified the representatives of the driving restrictions on Lincoln Ave and suggested those restrictions are taken into account for the traffic study. Engineer Laberge stated that it is assumed that all traffic will go to Central Ave. Commissioner Martin stated that would mean that according to the presentation approximately 36 vans will be driving to Central Ave every 30 to 45 minutes.

Chairman Dennis asked if the public will be able to pick up their own packages. Mr. Uher stated that no, the company is eliminating that at a national level. Commissioner Martin asked how far the delivery radius is. Mr. Uher stated that he did not know the exact outreach of deliveries in the area. Commissioner Hart asked if there will be any other forms of delivery other than the vans and trucks. Mr. Uher stated that there will be flexible van delivery programs, similar to Uber and Lyft but for packages. Mr. Uher added that there will be no drone or rail deliveries. Commissioner Hart asked if the flex drivers will operate like the regular business vans. Mr. Uher stated yes, they would queue in with the other vans. Commissioner Hart asked if there would be any outside speakers or paging systems. Mr. Uher stated no and he is aware that is prohibited by the Village code.

Chairman Dennis asked if the delivery vans return more than once a day. Mr. Uher stated no, the first wave of vans are out for a full day and come back at the end of the day. Mr. Uher stated that the 337 vans are rotated through, however there is only 296 vans in and out per day. Mr. Uher added that there are flex drivers and the extra parking spaces are overflow for employees. Engineer Laberge stated that the van area cannot be available for employees since it creates a zoning issue with the length of the drive aisles, parking spaces, and stacked vehicles. Mr. Uher stated that the business operation in itself is 24/7 with the internal operations, however the delivery van part is only about 8 hours per day. Usually the vans start deliveries around 8 a.m. and return around 7 p.m.

Chairman Dennis stated that a floor plan and exterior elevations will be required for the next submission. Chairman Dennis stated that there are concerns about traffic and he would like to know more about the business operations with the traffic study and noise and photometric report. Commissioner Hart asked if the HVAC unit will be included in the noise report. Mr. Uher stated that the facility functions as a warehouse and the facility is used only to filter fresh air, not to provide heat for the occupants, but yes, he will include it in the study. Commissioner Hart asked if there will be solar panels on the roof. Mr. Uher stated no, not at this time. Mr. Uher asked what the requirements would be if they choose to have them down the road. Engineer Laberge stated that would require a building permit with stamped plans and reminded the applicant of building height restrictions.

Engineer Laberge stated that he visited the property this afternoon and noticed that the second emergency access on the west side of the property had a tree growing through the access lane and any emergency apparatus would not be able to get through. Engineer Laberge suggested the applicant look into providing some type of access to the adjacent Feinman property. Engineer Laberge suggested a sound wall near be added to the plan to help with the noise. Mr. Uher asked if neighbors have excess parking on their sites and agree to a parking lease, would it be okay. Engineer Laberge stated that the other neighbors must have enough parking to give up and then those parking spaces must be shown on the site plan. Mr. Cerone asked that the water flow requirements be investigated. Mr. Cerone noted that when the hydrant on the site was activated the low water warning alarm within the building was set off. This indicates a potential lack of water supply during an incident. . Commissioner Hart asked if there will be any dry good or groceries available through this distribution center. Mr. Uher stated no there will be no refrigerators or groceries.

The applicant will return to the Commission with a formal submission.

DISCUSSION:

The Commission discussed setting the public hearing date for the Fermac Street project and decided on April 16th starting at 6:30 p.m. The public hearings will be held prior to the regularly scheduled planning commission meeting.

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

VOTE: Unanimous to adjourn the meeting at 8:00 pm.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Alexandra M. Hart".

Alexandra M. Hart
Planning Coordinator
Village of Colonie