



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

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

**MINUTES
TUESDAY, AUGUST 4, 2020
6:30 P.M.**

The regularly scheduled meeting of the Village of Colonie Planning Commission was held on Tuesday, August 4, 2020 at the Village Recreation Center 3 Thunder Road Albany, NY 12205.

- ROLL CALL:
- | | |
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| Chairman | Chris Dennis |
| Commissioners: | John Martin
Peter Chudzinski
Kenny Hart
Dan Judge (Absent)
Jim Splonskowski
Mark Keegan, <i>alternate</i> |
| 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. Chairman Dennis closed the regular meeting and opened the scheduled public hearing. Public hearing minutes are attached hereto.

Chairman Dennis re-opened the regular meeting at 7:04 p.m. Chairman Dennis stated that Commissioner Keegan has full voting power at tonight’s meeting.

APPLICANT: **80 WOLF ROAD
T-MOBILE
(TELECOMMUNICATIONS)**

Mr. Michael Baroodi, program manager on the behalf of T-Mobile, was present to present telecommunication modifications at an existing site at 80 Wolf Road. Mr. Baroodi stated that T-Mobile is proposing to replace 3 existing antennas with 3 new ones and 3 support radio units. 2 small cabinets will also be replacing 2 existing. The modifications will increase the power to 200 amps. Mr. Baroodi stated that there will be no changes to the footprint, only equipment modifications.

Commissioner Martin asked if the cabinets will be the same size as the existing. Mr. Baroodi stated that the sizes are comparable, and the height of the antennas will be between 74-76 feet which is same as existing. Chairman Dennis stated that the structural composition of the building was submitted. Mr. Baroodi stated that a structural analysis was added to the full report in case the engineer would like to review, and the backups could be used for public record.

Commissioner Martin made a motion to approve the telecommunication modifications at 80 Wolf Road as presented. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICANT:

**20 WOLF ROAD
SPIRIT HALLOWEEN
(CHANGE OF OCCUPANCY)**

Ms. Lisa Lyons was present before the Commission to present a change of occupancy for Spirit Halloween at 20 Wolf Rd. Ms. Lyons stated that this change of occupancy is the same as years past, there will be no construction, only addition of temporary snap walls. Chairman Dennis asked how long Spirit Halloween has been operating seasonally at 20 Wolf Rd. Ms. Lyons stated she's been with the company for 3 years but believes they've been there for about 10.

Commissioner Martin make a motion to approve Spirit Halloween at 20 Wolf Road for a change of occupancy. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICANT:

**1762 CENTRAL AVE
MARQUIS CERTIFIED HOME CARE
(CHANGE OF OCCUPANCY)**

Mr. Tony Culberson, architect, Mr. Tony Rametra, property owner, and Mr. Gregg Rosen from Marquis Certified Home Care were present before the Commission to present a change of occupancy at 1762 Central Ave. Mr. Culberson stated that the proposed tenant space is located in the AT&T building in the rear. The interior of the existing tenant space will be painted, a handicap bathroom will be installed in the existing bathroom and replace some carpeting and wiring. There will be no structural changes. Mr. Culberson stated that the building has one rear door and two front doors. The back door will be walled off from the AT&T section of the building so Marquis can have a private lobby. Mr. Culberson stated that there is enough egress capacity to do so. Mr. Culberson stated that the lobby modification comes by State regulation with current covid-19 standards; since home health aids are coming in and out of the building, they do not want the employees mixing with other tenants in the building.

Chairman Dennis stated that there are 132 parking spaces required and there is a total of 188 on site. Mr. Culberson stated that Marquis has 24 employees and required 24 parking spaces. Commissioner Hart asked if there would be any outside storage. Mr. Culberson stated no. Commissioner Martin asked if there were any drugs stored on site and Mr. Culberson stated no.

The tenant space is only for office use and where employees get their daily assignments. Commissioner Keegan asked if patients receive care at this location. Mr. Culberson stated no, employees come to the office for supplies and assignments and then leave to visit patients in their homes.

Commissioner Martin made a motion to approve Marquis Certified Home Care at 1762 Central Ave. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICANT:

**10 JUPITER LANE
NEW YORK STATE – OGS
(CHANGE OF OCCUPANCY)**

Attorney Caponera recused himself for this application.

Mr. Peter Struzzi from Pyramid Brokerage, Mr. Joe Mahoney, and Robert Manny from DuraVent was present before the Commission to present a change of occupancy at 10 Jupiter Lane. Mr. Struzzi stated that in early March, at the beginning of the pandemic, he was contacted by NYS OGS for a 50,000 sq. ft. warehouse space in the City of Albany. Mr. Struzzi stated that there was not any available space and they came across 10 Jupiter Lane where DuraVent was subleasing space. Mr. Struzzi stated that NYS OGS, National Guard and Homeland Security negotiated a contract within one week. The original permit was for a 90 day period that has rolled over twice, Mr. Struzzi stated that he is not sure what the end date will be.

Mr. Mahoney stated that within 72 hours of Governor Cuomo's emergency order, the warehouse was set up to hold pandemic supplies and resources operated by the National Guard. There is a 10 foot chain link fence separating DuraVent and OGS operations. Mr. Mahoney stated that per OGS, the property owner was to handle permitting with the Village and apologized for the delay. Mr. Mahoney stated that this operation is likely to be extended to the end of December 2020. Mr. Mahoney stated that he is not at liberty to say what is in the building for safety reasons and stated that there are proper fire lanes in place.

Chairman Dennis stated that the application shows one tenant for 10,000 sq. ft. and 75,000 sq. ft. utilized by National Guard. Mr. Mahoney stated that the building is roughly 100,000 sq. ft. in total. 30,000 sq. ft. is leased by DuraVent and the remainder it currently utilized by OGS/National Guard. Chairman Dennis stated that there are concerns over emergency services not knowing what is in the building in case of an emergency. Chairman Dennis asked if the building could have signage on the building.

Commissioner Chudzinski stated that it is important to know the fire load and what is in the building especially for the fire department and other emergency services. Commissioner Chudzinski suggest at least an SDS sheet for flammability. Mr. Struzzi stated that OGS moved in on a Saturday morning in mid-March and installed a racking system. They have been strictly adhering to the fire code with no obstructions. Mr. Struzzi stated that materials in the building include masks, scrubs, instant meals, however items change almost daily. Commissioner

Chudzinski asked if there was hand sanitizer in the building. Mr. Struzzi stated that he would guess that there is sanitizer in the building however he cannot say for sure. Mr. Struzzi offered to provide a contact number at NYS OGS for the Village to contact. Mr. Struzzi stated that only the property owner has access to the building.

Mr. Cerone stated that he toured the building with a NYS Fire Marshall and can say for sure that there is over 500,000 units of alcohol based products in that warehouse. Mr. Cerone stated that he was told by OGS agents that the warehouse is a 24/7 operation, however the Village fire department responded to a call there last week and no one was there, and no one could be contacted. Mr. Cerone stated that this creates a big issue, especially knowing what quantity of product in the building.

Commissioner Hart asked if there was a representative from OGS or the property owner at the meeting. Mr. Struzzi stated no. Engineer Laberge stated that this is a State lease on a private property. Engineer Laberge explained that it does not matter if the State is leasing space, the Village has control over the approval and the Village should not have to hunt down information on what is in the building. Engineer Laberge stated that the applicant should be the one to provide that information.

Chairman Dennis stated that he would like to table the application until the next meeting, August 18, 2020 so the applicant can provide the Village information on what is in the building. Chairman Dennis asked that a representative from OGS and the property owner be present on the 18th and reminded the applicant that the requested materials should be into the Coordinator by Wednesday August 12th.

**APPLICANT: 1560 CENTRAL AVE & 1A LINCOLN AVE
STEWART'S
(SKETCH PLAN)**

Mr. Chris Potter from Stewart's was present before the Commission to present a sketch plan for the existing Gulf Station site at 1560 Central Ave and the former ski instruction building at 1A Lincoln Ave. Mr. Potter stated that Stewart's would like to redevelop the site and build a new C-Store and gas station. The new proposed building would be about 3,900 sq. ft. and the gas canopy would be roughly in the same location as the existing ones. Stewart's is proposing four new pump islands with eight gas pumps with access from Lincoln Ave and Central Ave. Mr. Potter explained that NYS DOT already restricted the entrance point on Central Ave to right in and right out only. The Lincoln Ave entrance is proposed to be full access.

Mr. Potter stated that the site and proposed project meets all Village zoning restrictions. There will be a 25 foot buffer to the rear property line that abuts residential houses. The buffer is proposed to include both a fence and landscaping. Mr. Potter explained that the site has two frontages but believes that the green space requirement of 50% in the front yard will be met as will the 20% greens pace minimum requirement for the entire site. The parking modifications are as shown on the provided sketch plan. Mr. Potter stated that this Stewart's location will have a patio with outdoor seating, covered entrances, side delivery and dumpster. There is currently no set location for the fuel tanks.

Chairman Dennis stated that he and Engineer Laberge met with the applicant and reviewed the submitted sketch plan. Commissioner Splonskowski suggested that the driveway on Lincoln Ave be moved as far back as possible since Lincoln Ave gets backed up at the light often. Commissioner Splonskowski indicated on the sketch plan that the aerial shows three cars stacked at the light and blocking the Lincoln Ave entrance.

Commissioner Chudzinski asked if there were figures for the size of the proposed building. Mr. Potter stated that Creighton Manning will be conducting a traffic study, elevations will be provided later, but the elevations will change from the front of the building to the rear with a retaining wall or exposed foundation.

Commissioner Martin asked if the existing Stewart's on the corner of Central Ave and Lanci Lane would be closed. Mr. Potter stated that there are no plans right now to close that location. Commissioner Martin stated that the delivery trucks at the Lanci Lane location are often a problem; drivers tend to park the trucks along Lanci which disrupts traffic. Commissioner Martin stated that he would like to see truck turning radii, delivery times, and parking. Commissioner Martin stated that the Commission is familiar with Creighton Manning. He asked that Stewart's provide the daily peek times directly to the Village in addition to Creighton Manning including it in their study. Commissioner Martin explained that he would like to see the landscaping like Cumberland Farms with the berm out front blocking the gas pumps and parking lot.

Commissioner Hart asked if this location will be 24 hours. Mr. Potter stated no, that is not proposed at this time. Commissioner Hart also agreed that the Lincoln Ave access should be pushed back as far as possible due to the exiting traffic and back-ups.

Attorney Caponera asked Mr. Potter to be mindful that the property backs up to a residential area and a 24 ft. buffer is required. Attorney Caponera asked Mr. Potter to review and familiarize the statute in the Village Code.

Engineer Laberge suggested that the driveway be aligned with the driveway across the street where the Mr. Sub shop is. Engineer Laberge stated that a commercial driveway cannot align with a residential driveway per Village code.

Commissioner Hart asked if Stewart's has been in talks with the law firm next door. Mr. Potter stated that they tried to. Commissioner Chudzinski asked if Stewart's was aware of the drainage issue. Mr. Potter stated that Lincoln Ave is at a lower grade than the site.

Chairman Dennis asked if the parking requirements are met. Mr. Potter stated that they are proposing about 30 parking spaces, including the pumps. Commissioner Hart asked how many pumps there will be. Mr. Potter stated 8. Commissioner Hart asked if there will be two vehicles on each side or 1. Mr. Potter stated one and clarified that there will be 4 pumps with 8 fueling stations.

Commissioner Martin asked if there are comparable sized stores in the area to what is proposed. Mr. Potter stated Fuller Road is most comparable in lot size and building size, the store on Route 7 is about 300 feet larger than what is proposed.

Attorney Caponera asked if Stewart's has purchased the property. Mr. Potter stated yes, both parcels, 1560 Central Ave and 1A Lincoln have been purchased. Mr. Potter explained that they currently have a tenant and are looking to redevelop the site.

The applicant will submit a formal site plan application in the future.

The Commission reviewed the minutes from the July 21, 2020 meeting. Commissioner Martin made a motion to approve the meeting minutes as amended. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the July 21, 2020 minutes as amended.

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

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

Respectfully submitted,

Alexandra M. Hart
Planning Coordinator
Village of Colonie