

Village of Colonie



PLANNING COMMISSION ALBANY COUNTY NEW YORK

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MINUTES **TUESDAY, FEBRUARY 6, 2018** **6:30 P.M.**

The regularly scheduled meeting of the Village of Colonie Planning Commission was held on Tuesday, February 6, 2018

ROLL CALL: Chairman Chris Dennis

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

Village Attorney: Victor Caponera (Absent)

Village Engineer: R.J. Laberge

Acting Chairman Martin opened the meeting at 6:30. Commissioner Hart led the Pledge of Allegiance and asked that all phones and pagers be silenced.

The meeting minutes from the January 16, 2018 meeting were discussed. Commissioner Hart made a motion to approve the minutes as amended. Commissioner Tommaney seconded the motion. Chairman Dennis entered the meeting

VOTE: Unanimous to approve the minutes as amended.

At this point, Acting Chairman Martin turned the meeting over to Chairman Dennis.

APPLICANT:

**1530 CENTRAL AVE
DR. IVAN BARAQUE M.D.**
(Home Occupation)

The applicant for 1530 Central Ave could not be present for this presentation, but the building owner, Dan Lu of Century Home Developing Company LLC was present to present the application.

Engineer Laberge stated that the applicant leases this property and is proposing a Home Occupation, which requires a special use permit. A special use permit requires a public hearing. Engineer Laberge stated that at tonight's meeting the public hearing date may be set and comments about the submitted site plan can be made.

Ms. Lu introduced herself to the Commission and stated that the applicant and her tenant, Dr. Baraque could not attend tonight's meeting, as he is conducting Fireman FIT tests in Schroon Lake. Commissioner Martin asked if there are any medical supplies on site or how any medical waste will be handled. Ms. Lu stated that she did not know. She stated that she will double check with Dr. Baraque, as she does not want any drugs or unsafe medications on site. Engineer Laberge stated that the question can be clarified at the public hearing. Engineer Laberge stated that as per the applicant's December 19, 2017 letter, the applicant is providing general medical services Tuesday thru Thursday from 4:30 p.m. to 9 p.m. The only employee will be Dr. Baraque, there are no nurses or other staff.

Chairman Dennis reviewed the submitted site plan. Chairman Dennis asked if there is paving to the property line. Ms. Lu stated that there are no proposed changed to the site. The backyard is filled with grass, there is no paving. The parking area, or driveway is gravel. Engineer Laberge stated that the site plan provided is not current and the applicant will need to provide a new site plan to reflect the grass in the backyard. Engineer Laberge suggested that the applicant can use Hershberg and Hershberg since they provided the original site plan.

Chairman Dennis stated that prior to the public hearing, the medical supplies, medical waste and any drugs would need to be clarified and an updated site plan would need to be provided. Engineer Laberge stated that he would contact Dr. Baraque and explain to him what needs to be provided at the public hearing.

Chairman Dennis asked if there is an awning on the front of the building. Ms. Lu stated that yes there is an awning with lettering. Code Enforcement Officer Randy Rivera stated that he and Code Enforcement Officer Mike Cerone have been in contact with the applicant and building owner to remedy the sign. Engineer Laberge stated that the applicant is allowed one small sign.

Commissioner Judge asked if the applicant lives at 1530 Central Ave. Ms. Lu stated yes, he lives and is proposing to work out of 1530 Central Ave. Commissioner Judge noted that the applicant

provided a copy of his driver's license where it shows the applicant living in W. Nyack. Ms. Lu stated that the applicant moved into 1530 Central Ave in June of 2017. He may not have had a chance to change his address with the DMV yet.

Commissioner Hart stated that the applicant should not be operating his business out of 1530 Central until after the public hearing and he receives approval. Ms. Lu acknowledged Commissioner Hart's comment and stated she will relay the information to Dr. Baraque.

Chairman Dennis stated that the public hearing is set for February 20, 2018 at 6:30 p.m.

APPLICANT

124 LINCOLN AVE
(Site Re-development)

The Planning Commission entertained and discussed the project at 124 Lincoln Ave. Chairman Dennis read a letter dated February 5, 2018 from Attorney Caponera addressed to the Planning Commission. The letter stated that this applicant needs a special use permit because it is zoned as Commercial D, and it abuts to a Residential A zone in other factors contained in Attorney Caponera's February 5, 2018 letter.

Engineer Laberge stated that he has received the latest set of plans but has not reviewed the full set of plans for this proposed site. Commissioner Martin questioned if this was the only required variance. Engineer Laberge stated that as of today's date the only the only variance required is for a 100 foot buffer. Engineer Laberge explained that the applicant may need to be denied again for more variances, but that cannot be determined until a full review of the submitted plans is completed.

Commissioner Martin made a motion to deny the most recent submittal for 124 Lincoln Ave based upon a variance needed for a 100 foot buffer strip. Commissioner Hart seconded the motion.

VOTE: All in favor to deny this application.

DISCUSSION:

Engineer Laberge stated that Attorney Caponera sent a letter to Mr. Andrew Kazanjian of Mia Lucci's Pizzeria at 1647 Central Ave. This letter stated that Mr. Kazanjian needed to remove the blacktop in front of the house at 2 Locust Park and replace it with green space. It was determined that Mr. Kazanjian did in fact merge 1647 Central Ave and 2 Locust Park into one parcel before replacing the green space in front of the house with blacktop. Dates were verified by Mr. Kazanjian's own submissions and Google Earth images.

The Commission discussed the landscaping plan dated January 31, 2018 for 1770 Central Ave, a proposed Starbucks. Chairman Dennis stated that the proposed landscaping plan shows mature trees being cut down and being replaced with less dense trees. The plan proposes removal of 8

total trees. Chairman Dennis expressed that he does not think the trees should be removed. Chairman Dennis stated that the applicant will have to explain why they think the mature trees should be removed. There are only 4 islands in the parking lot that do not have trees, all other islands have at least 2 mature trees.

Commissioner Hart asked if the proposed building is the same size. Engineer Laberge stated that everything is remaining the same as previously presented and this plan is just the proposed landscaping plan.

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

VOTE: Unanimous to adjourn the meeting at 7:15 p.m.

Respectfully submitted,

Alexandra M. Hart
Planning Coordinator
Village of Colonie