



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

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**MINUTES
TUESDAY, AUGUST 7, 2018
6:30 P.M.**

The regularly scheduled meeting of the Village of Colonie Planning Commission was held on Tuesday, August 7, 2018

ROLL CALL:

Chairman	Chris Dennis
Commissioners:	John Martin Ann Krause Mike Tommaney Peter Chudzinski (Absent) 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 July 17, 2018. Commissioner Hart made a motion to approve the minutes as amended. Commissioner Tommaney seconded the motion.

VOTE: Unanimous to approve the minutes from the July 17, 2018 regular meeting minutes as amended.

APPLICANT: **12 WALKER WAY SEC. 1A
GOOD KARMA YOGA STUDIO
(Tenant Change)**

Mr. Joe Clark, owner of Clark Industrial Park, LLC was present before the Commission to present a change of tenant at 12 Walker Way section 1A. Mr. Clark stated that this applicant is looking to open up a yoga studio. This yoga studio is proposing to offer suspension classes that requires people to hang on straps from the ceiling. Attorney Caponera noted that Mr. Clark had certified the application twice. Mr. Clark stated that he is both the agent for the building owner and the agent for the tenant.

Chairman Dennis asked Mr. Clark if this building is the one closest to the road. Mr. Clark stated yes. Attorney Caponera asked if this proposed tenant has any other studios. Mr. Clark stated that they are currently located on Vatrano Road. Commissioner Martin asked if there will be any mid-

day classes. Mr. Clark stated no the classes vary between 5-7 a.m. and 5-9 p.m. 5 days a week. Commissioner Martin asked if there will be any weekend classes offered. Mr. Clark stated no. Mr. Clark stated that the only tenants in this building are Schindler and Pet Net who operate Monday-Friday. There is no one in the building on the weekend. Commissioner Martin asked if there are locker rooms and showers. Mr. Clark stated that there are no showers or locker rooms, only two bathrooms. The tenant will be adding a wall to make 2 studios.

Commissioner Hart stated that the applicant is proposing to hang straps from the ceiling. There was an application recently for another yoga studio using ceiling straps that the Commission required a structural review from a licensed engineer to ensure the beams can support enough weight. Mr. Clark stated that the building structure can hold 60 pounds per square foot. Chairman Dennis stated that he would like an engineer to verify the load capacity to the Building Department. Commissioner Hart stated that he would also like to see how many straps will be on the ceiling as well as how many people per class. Mr. Clark stated that he will get the Commission that information.

Commissioner Hart asked what the 12'1" spaces indicated on the floor plan are used for. Mr. Clark stated that the tenant is proposing to take the walls down and make it a dance studio. Mr. Clark stated that the floor plan submitted is not the most recent plan. Commissioner Hart stated that he would like to see an accurate floor plan of what is being proposed.

Commissioner Martin stated that the application submitted is not consistent with the current change of tenant application that other applicants use, it is missing a section of the application. Commissioner Martin stated that the information missing relates to the hours of operation, number of employees, number of straps hanging from the ceiling and other potentially related site information, i.e. the need for licenses, impact of noise and vibration, and adult entertainment use. Mr. Clark stated that he was unaware of the different application and would correct that in future use.

Chairman Dennis stated that Village Code requires 46 parking spaces for the site and 20 are required for the proposed tenant. Chairman Dennis asked if there is any overlap in hours of operation for the tenants. Mr. Clark stated that Schindler and Pet Net have about 3-5 cars in the parking lot daily and do have over lapping hours of operation. Mr. Clark ensured that there will be enough parking for the site as it is never full and is not a high traffic site. Chairman Dennis stated that he has reservations about the hours of operation, specifically opening at 5 a.m. Chairman Dennis shared that he can often hear other gyms in the Industrial Park at from neighboring streets. Chairman Dennis stated that this site is farther away from the residential area. Commissioner Hart stated that other gyms have been approved to open and operate as early as 5 a.m.

Commissioner Hart stated that he would like to see an accurate floor plan of what is being proposed as well as the structural analysis from a licensed engineer indicating the maximum number of people for the load capacity as well as the number of straps and people allowed per class. Mr. Clark described how the building structure is and how the weight is distributed.

Chairman Dennis stated that he would like to adjourn this application until the August 21st meeting so the applicant can submit more detail for the proposed tenant, updated floor plan and a structural review of the building.

VOTE: all in favor of adjourning the application to the August 21st meeting.

APPLICANT:

**10 WALKER WAY SEC. 1
AVI FOOD SYSTEMS
(Tenant Change)**

Mr. Joe Clark was present before the Commission to present a tenant change for 10 Walker Way Section 1. Mr. Clark stated that this tenant is a small outlet for vending machines. This proposed tenant is from Cleveland. Mr. Clark stated that this space has one large and one small office space with two bathrooms. Chairman Dennis asked where this building is located. Mr. Clark stated that it is on the front corner down Walker Way. Chairman Dennis stated that there are a total of 69 30 parking spaces and Village Code requires 59 parking spaces. Commissioner Martin asked about the parking requirement for another tenant in the building. Mr. Clark stated that the space is a showroom and has monthly meetings and seminars. Commissioner Hart requested that for the next tenant change the applicant bring an updated site plan showing where the dumpster pads are located. Chairman Dennis added that he would like to see the fencing shown on the site plan in addition to the dumpster pads. Mr. Clark agreed.

Commissioner Martin made a motion to approve AVI Food Systems at 10 Walker Way Sec. 1. Commissioner Tommaney seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICANT:

**1625 CENTRAL AVE
UNIQUE EYEBROWS
(Tenant Change)**

Mr. Samir Ahuja and Mrs. Mita Ahuja of Ahuja Group, LLC and owners of 1625 Central Ave came before the Commission to present a change of tenant at 1625 Central Ave 1st floor. Mrs. Ahuja stated that the space was previously occupied by another salon, The Bowery, who has moved out and a new tenant, Unique Eyebrows would like to move in. Mrs. Ahuja stated that the tenant is taking the space as is and there will be no construction. Commissioner Hart asked if this is the building that Brittany Jewelers was in. The applicant stated yes it is. Commissioner Hart asked if the second floor is occupied. Mrs. Ahuja stated that the second floor was converted to a residential apartment a few years ago and is currently occupied.

Commissioner Martin stated that the application shows that there will only be one employee. Mrs. Ahuja stated yes the proposed tenant works alone performing waxing services. Attorney Caponera asked if a license is required to perform the proposed services. Mrs. Ahuja stated yes, as esthetician and waxing license as well as an appearance enhancement license. Commissioner Hart asked what a Henna tattoo is. Mrs. Ahuja stated that it is a temporary tattoo. Regarding question 19 on the

change of occupancy application, Commissioner Hart asked if there will be any adult entertainment on this site. Mr. and Mrs. Ahuja both answered no.

Chairman Dennis asked about the parking on this site. Mr. Ahuja stated that there are 19 spaces including some non-paved spaces. Mr. Ahuja stated that he also owns the property next door for additional parking if necessary. Chairman Dennis stated that there is adequate parking at this site.

Commissioner Martin made a motion to approve Unique Eyebrows at 1625 Central Ave 1st floor. Commissioner Judge seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICANT:

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

Mr. Rich Tanchyk from Caliber Collision came before the Commission to seek approval for a change of tenant at 1615 Central Ave. Mr. Tanchyk stated that he was before the Commission at the last meeting and he was asked to provide some more information on the day to day operations as well as submitting the change of tenant application. Mr. Tanchyk stated that he has submitted a detailed narrative with a description of services. Mr. Tanchyk also submitted a letter from GMG services, a company that comes in quarterly to satisfy OSHA requirements as well as a letter from Solvents and Petroleum indicating waste removal operations. Mr. Tanchyk stated that the waste removal is remaining the same and it is not changing.

Commissioner Hart asked if Jerian is still the building owner. Mr. Tanchyk stated yes Jerian is staying as building owner and Caliber Collision will be the tenant. All operations from day to day including staff and management are remaining the same.

Commissioner Martin made a motion to approve Caliber Collision at 1615 Central Ave. Commissioner Tommaney seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICANT:

**1529 CENTRAL AVE
SHI PROPERTIES
(Site Plan Review)**

Mr. Bo Sze came before the Commission to discuss a new proposed ramp on the back of 1529 Central Ave. Mr. Sze was before the Commission previously for a proposed loading dock and is now proposing the ramp instead of the loading dock. Commissioner Martin stated that Engineer Laberge has not been able to review this new plan and the letter included in the Commission packet was for the previous submittal for the loading dock. Engineer Laberge stated that he did look over the new site plan and has a few comments. Engineer Laberge stated that there is a reduction in green space and a variance is needed. Engineer Laberge also stated that the proposed ramp is still a loading area and asked the applicant what kind of trucks will be delivering product. Mr. Sze

stated that it will be a straight body truck, about an 18 foot box truck. Chairman Dennis asked the applicant how many parcels this site is composed of. Mr. Sze stated that he owns 1529 Central Ave and the adjacent property at 1531 Central Ave. There is a cross easement for the properties. Chairman Dennis stated that he would like to see the flow of traffic on the site.

Commissioner Hart asked if this ramp is for a specific tenant. Mr. Sze stated that it is for Beauty Supply, a wholesaler that was previous approved by the Commission. Mr. Sze stated that the tenant has not been open up for business and will likely leave because of the lack of a loading dock. Commissioner Hart stated that the site plan is not stamped and the Commission would need an engineer drawn stamped site plan with details in order to act on anything. Engineer Laberge stated that on a 2003 site plan that the Village has on file reported that the existing green space as 11.65% which is under the existing 20% requirement. Engineer Laberge stated that on the provided site plan the parking spaces are striped, and that does not reflect the existing condition of the site.

Code Enforcement Officer Randy Rivera asked Mr. Sze if the trailers in the back are gone. Mr. Sze stated that he has sold one trailer and there is one remaining. Engineer Laberge stated that if there is a loss of parking then another variance is required. Attorney Caponera stated that the site is pre-existing non-confirming and therefore modifications to the site will require a variance. Attorney Caponera polled the Commission to see if they would have any issues with the applicant returning to the Commission with a site plan to seek a variance. The Commissioners did not have any issues with the applicant going forward with the variance process.

Attorney Caponera stated that the applicant must come back with engineer drawn and stamped site plans and a full site plan amendment application prior to the Commission voting for the application to go forward to the Zoning Board of Appeals. Mr. Sze stated that he is just looking to make the back of his building nice for his tenants. Mr. Sze stated that he does not want to lose any tenants because he is unable to improve the site. Attorney Caponera told the applicant to have his engineer call Engineer Laberge to ensure the site plan has all the necessary information the Commission is looking for.

APPLICANT:

**1770A CENTRAL AVE
WENDY'S
(Site Plan Amendment)**

Mr. Chad Adams from Wendy's and Engineer Anderson from Cornerstone came before the Commission to present a site plan amendment at 1770A Central Ave. Mr. Anderson stated that the existing Wendy's suffered a fire over the winter and is looking to rebuild. Mr. Anderson stated that the insurance company deemed the building a total loss and Wendy's would like to build a new modern building on a similar foot print of the existing building. Mr. Anderson stated that the existing building is 2,765 square feet and the existing bun freezer is 112 square feet. The proposed building, which includes a walk in freezer, is proposed to be 2,622 square feet. The total building reduction is 143 square feet. Mr. Anderson stated that the curb line will be realigned and overall pavement will be reduced by 466 square feet. The green space will be increased in the back of site. Mr. Anderson stated that Wendy's is trying to maintain the same footprint of the existing building, however the existing building was built in the 1980's when there were no ADA regulations. The existing building has been updated over the years to become ADA compliant in the public areas,

however the back end of the building was not and therefore the proposed building will have to be slightly different in order to be in compliance with ADA standards. There will be a sidewalk on the front end of the building to the main entrance. There will be two entrances to the building as shown on the proposed site plan.

Mr. Anderson stated that he would speak to the comments from Engineer Laberge in his July 17, 2018 letter.

1. The sidewalk on the west side of the building was eliminated due to the new drive thru windows and the extension of the sidewalk to the front of the building. Mr. Anderson stated that that the Commission received a colored prototype for the exterior elevations that included outdoor seating.
2. Mr. Anderson noted that this rendering was just a corporate prototype and this location will not have outdoor seating. The rendering for the proposed building was not available when the submission was sent to the Village.
3. The grease trap is self-contained oil recovery. The grease/oil is offloaded from the fryer to an integrated system with closed piping. Mr. Anderson stated that this ensures employee safety and no chance of spills.

Engineer Laberge asked where the oil is stored. Mr. Anderson stated that the tank is enclosed in a 6x6x2 enclosure at the rear of the building. Attorney Caponera pointed out the structure page three of the elevations. Engineer Laberge asked Mr. Anderson to elaborate on the process. Mr. Anderson stated that the oil is pumped through a hydrostatic closed system and collected. Mr. Anderson compared this process to pumping oil into a house for heating. Chairman Dennis asked what the finish is on the enclosure. Mr. Anderson stated that it will be masonry, metal and EIFS. The metal is rippled and will be factory painted brown. It is a pre-fabricated structure. Chairman Dennis asked about the other structure in the back of the main building. Mr. Anderson stated that the "L" shaped building will have the same finish to match the finish. Mr. Anderson explained that the proposed building is a "morph" of the existing building. The proposed building will be wider in width than existing as that building is much narrower than the newer generation buildings.

Mr. Adams explained the ideal timeline to start demolition on the existing building and start the new building. Mr. Adams stated that Wendy's hope to be done and reopen by December 2018. Chairman Dennis asked if the color scheme was corporate colors. Mr. Adams confirmed that the color scheme are corporate colors. Commissioner Martin asked if this building is two stories. Mr. Adams stated that it is only one story. The glass in the front of the building gives it an illusion that the building is higher and larger than it is. The building is only about 16 feet high.

Engineer Laberge stated that he mentioned the sidewalks in his review letter so the Commission would comment on it. Chairman Dennis asked about the parking. Mr. Anderson stated that the parking will remain the same as it currently exists. Engineer Laberge stated that the application needs to be sent to the Albany County Planning Board for review. Mr. Anderson stated that he spoke to Ms. Hart who has sent it over for review. Attorney Caponera stated that the next Albany County Planning Board meeting is on August 23rd. Attorney Caponera stated that the Village Planning Commission cannot render a decision without the Albany County

decision. Engineer Laberge added that the Albany County Board will most likely want to see a sidewalk connection with Central Ave. Mr. Anderson stated that he can work on that.

Engineer Laberge stated that DPW Superintendent would also need to review the application to determine if two 1,000 gallon grease traps would be needed. This would be the minimum required by Village Code. Commissioner Hart asked if the queuing would be any different from the existing operation. Commissioner Hart added that often times cars would get backed up on Karner Road. Mr. Anderson stated that the queuing would remain the same. The current queue can hold about 6 cars and the new 2 drive up window system will help move cars through the queue faster. One window will be for payment and the second window for product pick up. Commissioner Judge asked if there was any way to re-configure the queuing. Commissioner Judge showed the Commission and applicant a possible way to re-queue. Mr. Anderson stated that if the drive thru was re-queued in front of the building it would encroach on the land lease and buffer from Central Ave. Commissioner Judge asked about orienting the building to face the parking lot of the shopping center. Mr. Anderson stated that the same issues would arise. Commissioner Judge asked if the cooking equipment will also be modernized. Mr. Adams stated yes, everything will be new.

Commissioner Martin asked about the lighting inside the new building, especially with the large glass panels. Commissioner Martin asked if the lights would be emitting onto Central Ave and making it distracting to oncoming traffic. Mr. Anderson stated that the lighting will be LED lighting which is much softer than the standard lighting. Mr. Anderson stated that the LED lighting will be better for over the registers and dining tables. Mr. Anderson also explained the outdoor lighting. The entrances will have down lighting and shields. The emitted light in the back door should not reach more than 4 feet.

Chairman Dennis asked about the site statistics. He stated that he would like to see a landscaping plan. Mr. Anderson stated that the landscape was not to change. Chairman Dennis stated that the shopping center at 1770 Central Ave recently came in for a site plan amendment and upgrades to their landscaping. Chairman Dennis stated that he would like to see consistency through the two lots. Commissioner Martin suggested flowering plants along the sidewalk and foundation plantings.

Mr. Adams explained that Wendy's is still in the process of utility disconnection and would like to know what he can do while the Commission waits for Albany County Planning recommendations. Chairman Dennis suggested looking at the landscaping plan. Mr. Anderson asked if he could get a copy of the recently approved plan. Ms. Hart stated that she can e-mail it over. Chairman Dennis stated that for the next submission the applicant should provide a floor plan, two 1,000 gallon grease traps, sidewalk connection and the landscaping plan. Mr. Adams and Mr. Anderson thanked the Commission for their time.

DISCUSSION:

The Commission reviewed the conditions of approval that Engineer Laberge provided for 124 Lincoln Ave. There were no additions, deletions or amendments. The Commission unanimously approved the conditions of approval.

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

VOTE: Unanimous to adjourn the meeting at 8:15 p.m.

Respectfully Submitted,

Alexandra M. Hart
Planning Coordinator
Village of Colonie