

Chairman Dennis stated that the landscaping as shown on the site plan looks to be updated. Mr. Conway stated that yes, he updated the landscaping with some new bushes a few tenants ago. Chairman Dennis stated that there are 47 parking spaces on the site which satisfies the parking requirement.

Commissioner Dennis asked how many people will there be per class. Ms. Bernstein stated that there is an average of 7 people per class, so anywhere between 2 and 14 people. Commissioner Hart asked how many employees there are. Ms. Bernstein stated that she is the only employee and she has 3 independent contractors that will also teach classes. Attorney Caponera asked what kind of certifications Ms. Bernstein has. Ms. Bernstein stated that she is a Registered Nurse and has several certifications. She explained that a NYS license is not needed for this type of exercise class. Commissioner Hart asked if there are any plans for future expansion. Ms. Bernstein stated no. Mr. Conway stated no, there is no room to expand within the current building and he does not plan on adding to the building. Ms. Bernstein stated that the only thing she potentially could expand is another class or two. Commissioner Hart explained that if the applicant adds classes or adjusts her hours of operation she will need to reappear before the Commission. Ms. Bernstein amended the application to change her hours of operation to 7 am – 9 p.m. Monday thru Sunday.

Commissioner Martin made a motion to approve The Center for Nia and Yoga at 1718-20 Central Ave as amended. Commissioner Tommaney seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICANT:

**1554 CENTRAL AVE
NEW TOBACCO HOUSE
(TENANT CHANGE)**

Mr. Robert Weiss of Trinity Realty Group, Al Yun Xu “Amy”, co-owner of New Tobacco House and Ocean, a translator, came before the Commission to seek a change of tenant at 1554 Central Ave. Mr. Weiss stated that his client is looking to open up a tobacco shop in the old Domino’s Pizza location, similar to the tobacco shop in Price Chopper Plaza. The applicant plans on selling all kinds of tobacco and accessories. Chairman Dennis asked if this is a new business for Amy. Mr. Weiss stated yes. Commissioner Hart noted the applicant answered yes to question 18 on the Change of Occupancy application regarding the use and/or storage of firearms, explosives, ammunitions and black powder with proposed storage in the back of the store. When Commissioner Hart asked the applicant, through the translator, if she plans on storing firearms and black powder within the store, the applicant responded no, Chairman Dennis stated that question 15 on the change of occupancy application was not answered. Chairman Dennis read the question aloud for the applicant. The question is regarding licenses needed to run the business. Mr. Weiss stated that he does not think a license is needed. The Commission noted a number of deficiencies on the submitted application and moved to table this application until later in the meeting so the applicants can go over the application and ensure all questions are answered correctly and truthfully.

APPLICANT:**18 COMPUTER DR. WEST STE. 101
LASH AND SKIN STUDIO
(TENANT CHANGE)**

Engineer Laberge recused himself from this application.

Ms. Joan Purtell from Albany Management and Geana Agustin, owner of Lash and Skin Studio came before the Commission to present a change of occupancy at 18 Computer Drive West Ste. 101. Ms. Agustin stated that she is a New York licensed esthetician and her business offers eyelash extensions, eyelash lifts, eyebrow waxing, and permanent makeup for eyebrows only. Ms. Purtell stated that she submitted a revised parking plan for the Commission to review.

Commissioner Martin stated that according to the submitted floor plan, it shows 4 rooms. Commissioner Martin asked if there are treatment chairs in each of those rooms. Ms. Agustin stated yes, each room is a private treatment room with one treatment chair. Commissioner Hart asked if there is any reception area. Ms. Agustin stated no, all clients are by appointment only and check out is done in the treatment rooms. Ms. Agustin stated that there may be one or two chairs for any waiting customers. Commissioner Martin asked if the 3 employees noted in the change of occupancy application included herself. Ms. Agustin stated that yes, it will be herself and two independent contractors who will be either licensed cosmetologists or estheticians. Chairman Dennis asked if this is a new business. Ms. Agustin stated that she was previously located at 1321 Central Ave and also works in Florida with her husband.

Commissioner Martin made a motion to approve Lash and Skin Studio at 18 Computer Drive West suite 101. Commissioner Tommaney seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICATION:**1647 CENTRAL AVE
MIA LUCCI'S
(SITE PLAN APPROVAL)**

Mr. David Kimmer from ABD Engineering was present before the Commission to present an updated site plan for the Mia Lucci's Restaurant at 1647 Central Ave. Commissioner Hart stated for the record that the owner Mr. Kazanjian, is not present. Mr. Kimmer stated that he has been working with Engineer Laberge and Attorney Caponera to bring this site under compliance so Mr. Kazanjian can sell the property. Mr. Kimmer explained that 1,000 square feet of asphalt will be removed in front of the house and returned to grass. The parking will be restriped to make the parking lot ADA compliant. The handicapped spaces will be moved closer to the door for a clearer path.

Attorney Caponera stated that this is the site plan approved by the Mayor and the Board of Trustees and what was shown to the Commission a few weeks ago. Attorney Caponera stated that the site plan incorporates both the restaurant and house as they are now one parcel. Attorney Caponera added that this is still a case before the court. There will be a total of 18 parking spaces.

Commissioner Tommaney asked if there is a time table on when the work needs to be completed. Attorney Caponera stated that they are due back in court on October 4th and a time frame may be discussed at that time. Commissioner Hart noted that in addition to the grass being put back where the asphalt is, the proposed site plan shows two parking spaces will be added to what is currently on the site. Attorney Caponera stated yes. Mr. Kimmer stated that those two added parking spaces are not currently striped, but once the work is done the entire parking lot will be restriped. Those two parking spaces will be employee parking.

Attorney Caponera stated that this site plan is a resolution for this site. Attorney Caponera stated that he has corresponded with Mr. Kazanjian's lawyer and no new owner or tenant can be approved until the work is done. There is no deadline on the project other than another court date on October 4th per the judge. Commissioner Hart asked if there is anything in writing from the Mayor and the Board approving this site plan. Attorney Caponera stated no, it was a verbal confirmation by the Board. Commissioner Martin added that he was under the impression that the entire site in front of the house would be restored to its original condition. Commissioner Martin stated originally the Truman's site was an existing non-conforming site with the parking providing for cars to back out onto Locust Park. Commissioner Martin stated he was under the impression that when the sites were merged there would still be the restriction of no additional parking being permitted that would need to back out onto Locust Park. Commissioner Martin stated the proposed site plan appears to be an increase in the non-conforming conditions. Commissioner Chudzinski asked if the Zoning Board was in agreement with this compromise. Attorney Caponera stated the Zoning Board is not involved in this action and that this is a compromise and settlement encouraged by the judge. Chairman Dennis stated that the Commission will vote on the site plan. Commissioner Hart asked if the most recent revision of the site plan is September 7, 2018. Mr. Kimmer stated yes. Engineer Laberge stated that he reviewed the site plan.

Commissioner Hart asked if the coverage statistic on the site plan included both buildings. Mr. Kimmer stated yes. Mr. Kimmer stated that the building coverage is not changing, the greenspace is being increased and the blacktop area is to be decreased. The total amount of parking spaces is increasing from 13 to 18 parking spaces. Mr. Kimmer added that the site statistics are for the property only. Mr. Kimmer stated that there is a parking waiver since the business sold alcohol. The site is pre-existing non-conforming and does not meet the parking requirement for a restaurant with a bar.

Commissioner Hart made a motion to approve the site plan at 1647 Central Ave dated July 20, 2018, last revised September 7, 2018. Commissioner Krause seconded the motion.

VOTE: Peter Chudzinski - Yes
 Mike Tommaney - Yes
 Ann Krause - Yes
 John Martin - No
 Kenny Hart - Yes
 Chairman Dennis – Yes

The site plan is approved.

APPLICANT:**1770A CENTRAL AVE
WENDY'S
(SITE PLAN REVIEW)**

Mr. John Anderson, engineer, Ken Ryan, operating franchisee for Wendy's and Mr. Chad Adams, a representative of Wendy's came before the Commission to discuss further developments in their site plan review. Mr. Adams stated that he presented to the Commission about a month ago where there was some discussion about the proposed stacking of the drive thru access off of Karner Road. Mr. Adams stated that he met with Engineer Laberge, Rossetti Development, and Chairman Dennis about different stacking possibilities. Mr. Anderson stated that the proposed building and drive through windows are similar to the previous submittal with the only thing that is newly proposed is the layout of the traffic flow around the building. Mr. Anderson stated that the building has been revised to not hinder the existing shopping center. The bun freezer previously proposed in the rear of the building has been removed. The walk in freezer will accommodate items from the bun freezer. Mr. Adams added that the building footprint has been shifted back 30 feet from Central Avenue to accommodate the circulation between the drive thru aisle and Central Ave. Mr. Adams stated that the existing monument sign will be moved but it is understood that another Village Board handles the signs.

Mr. Anderson stated that the Karner Road entrance will remain as is. There will be signs for a left hand turn into the parking lot and another left hand turn into the drive thru. With this layout and the new drive thru configuration there is no stacking onto Karner Road. Mr. Anderson indicated on the site plan where the cars can be stacked and added that there is additional room for stacking in the shopping center parking lot. Mr. Anderson indicated that there is a one way drive aisle with angled parking spaces. Commissioner Hart asked if there will be directional signs. Mr. Anderson stated yes there will be directional signs as well as "do not enter" signs.

Mr. Anderson stated that the building area will be slightly decreased and the impervious area will be maintained. Commissioner Chudzinski asked what kind of trucks will be making deliveries. Mr. Adams stated that box trucks and off road semi-trucks will make deliveries from the side of the building and off load. Deliveries will be made in off hours and take about 40 minutes. Chairman Dennis stated that the service door is on the other side of the building where the deliveries are shown to be made. Mr. Adams stated that the delivery men will walk across the connection sidewalk to the other side of the building.

Attorney Caponera stated that the proposed site plan encroaches beyond the leasehold space with Central 1770 LLC. Attorney Caponera read a letter aloud from Central 1770 LLC dated September 14, 2018 stating that the property owners are in full support with the proposed changes. Mr. Adams added that Wendy's and Central 1770 LLC will be working together to adjust the leasehold space.

Engineer Laberge gave a brief summary of his review of the proposed site plan; Engineer Laberge stated that there will need to be directional signs, and the applicant will need to identify what kind of guiderail they are proposing. Engineer Laberge stated that there is a code issue with the circulation drive thru, it must be at least 15 ft wide according to Village Code. The applicant stated they could meet that by reducing the area in front of the building by one foot. Engineer Laberge

suggested striping on the pavement by the entrance to make the entrance less attractive to drivers to cut the corner. Engineer Laberge asked the applicant if the drive thru canopies were illuminated. Mr. Adams stated that they are not illuminated but they do have LED light stripes under the canopy that are down facing. Engineer Laberge stated that this application is a type 2 SEQR action and Board action is required. Engineer Laberge stated that more information is needed on the design information for the grease traps. Mr. Anderson indicated on the site plan for the Commission where the grease traps will go in the greenspace.

Chairman Dennis asked the applicant if they had a timeframe for the project and added that the applicant can submit a demolition and building set to the building department prior to Planning approval. Mr. Adams stated that they will plan on revising the site plan with tonight's comments and work on the demolition permit for the next meeting. Mr. Adams stated that he wanted to make sure the site plan is up to the Planning Commission's standards prior to submitting the demolition permit application.

Chairman Dennis stated that he liked the increase in greenspace along Central Ave. He added that the sidewalk is one of the better sidewalks in the area due to the buffer of greenspace between the sidewalk and Central Ave. Commissioner Chudzinski stated that he thinks the exit needs to be curbed out to 15 ft. with signs displayed as he is worried about people driving the wrong way. Mr. Anderson stated that it will be difficult to manage a passenger truck and 22-25 ft. non articulating vehicles around the turns. Commissioner Martin asked if the commissioners could submit any comments they have to Engineer Laberge by the end of the week. Chairman Dennis stated that the Commission could have until Thursday evening to send any comments to Engineer Laberge. Engineer Laberge agreed.

Chairman Dennis asked if the applicant was replacing the honey locusts as they are being removed from the shopping center islands. Chairman Dennis also suggested that the applicant find an alternative to the junipers proposed on the property as they have a tendency to collect garbage. Mr. Anderson stated that he will speak with Rossetti and compare to the recent Starbucks approved site plan.

APPLICANT:

**1554 CENTRAL AVE
NEW TOBACCO HOUSE**

The applicant reappeared before the Commission to continue their change of tenant application. Mr. Weiss and the Commission looked over all questions on the change of tenant application to ensure each question was correct and truthful. The applicant reviewed each of the items on the application with the Commission and noted where changes from the original submittal were made. The applicant resigned the application and initialed all changes. A discussion was held regarding what kind of licenses may be needed to sell tobacco. Mr. Weiss stated that no licenses are needed for the applicant to sell tobacco. Mr. Weiss stated that the business will have deliveries once per week.

Commissioner Martin made a motion to approve New Tobacco House at 1554 Central Ave. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the application as amended.

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

VOTE: Unanimous to adjourn the meeting at 8:10 p.m.

Respectfully Submitted,

Alexandra M. Hart
Planning Coordinator
Village of Colonie