

parking spaces for the patrons and 3 parking spaces for the employees. Engineer Laberge stated that the parking requirement is more than what is listed on the parking requirement sheet. However, due to the hours of operation there is minimum overlap in needed parking with the other tenants in the building. The parking requirement for this site does not require the 40/60 office/warehouse use distribution. Engineer Laberge asked Mr. Clark to update the parking calculations for the next time he appears before the Commission.

Commissioner Martin made a motion to approve Good Karma Yoga Studio at 12 Walker Way Section 1A with the condition that the structural report be submitted to the building department prior to the issuance of a certificate of occupancy. Commissioner Tommaney seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICANT:

**12A PETRA LANE
WRAP CITY
(TENANT CHANGE)**

Mr. Elliot Feinman came before the Commission to present a change of occupancy application. Mr. Feinman stated that the proposed tenant does large format graphics and automotive wraps. Chairman Dennis asked if 12A was in the rear of the property. Mr. Feinman stated yes. Mr. Feinman stated that the parking requirements listed are for both 12 and 12A Petra and there is a total of 102 spaces. Mr. Feinman added that there are an additional 6 parking spaces in the rear that is not reflected on the site plan. These spaces are available due to the removal of the oxygen tanks previously shown on the site plan. Chairman Dennis stated that the parking break down should be updated for the next tenant. It was noted that the application states no work to be performed on Saturday or Sunday however, the narrative states work will be performed on weekends as needed.

Commissioner Martin made a motion to approve Wrap City at 12A Petra Lane. Commissioner Tommaney seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICATION:

**1741 CENTRAL AVE
SPRING HEALTHY CENTER
(CHANGE OF USE)**

Ms. Ling, owner of Spring Healthy Center and Mr. Freedman, attorney, came before the Commission. Chairman Dennis stated that the Commission received a letter from Code Enforcement Officer Mike Cerone regarding the status of this business. Mr. Cerone stated that he inspected the business and found that the beds were removed from the back room and replaced with chairs. Mr. Cerone stated the website had been changed. Mr. Cerone added that he spoke with a woman from the brochure company who stated that the brochures were already printed but the applicant stated that she will not use them. The advertisements have been pulled, although the ad will run one more time in the Living Today section of the Thursday Times Union because it was too late to cancel the ad. Commissioner Hart asked if Mr. Cerone took pictures. Mr. Cerone stated

that he did and they were added to the case file. Commissioner Hart asked that copies of the pictures be added to the Planning Commission file as well. Commissioner Martin stated that if the applicant changes the use of the building again that she must come back to Planning. The applicant nodded in agreement.

Commissioner Martin made a motion to approve the change of use at 1741 Central Ave. Commissioner Judge seconded the motion.

VOTE: Unanimous to approve this application as presented.

APPLICANT:

**1529 CENTRAL AVE
SHI PROPERTIES
(SITE PLAN AMENDMENT)**

Mr. Bo Sze was present before the Commission to present an updated site plan amendment for his property at 1529 Central Ave. Engineer Laberge stated that he reviewed the revised site plan and spoke to Mr. Bergeron, Mr. Sze's engineer. Engineer Laberge stated that the applicant addressed all concerns as stated in the last review letter from Engineer Laberge. Engineer Laberge asked the applicant if there are fences on the property. Mr. Sze stated yes there are fences currently on the property. Commissioner Hart asked what days a week the dumpster is picked up. Mr. Sze stated that it is picked up once a week, currently on Wednesday. Commissioner Hart suggested placing a dumpster pick up restriction on the applicant to Monday – Friday between the hours of 6 a.m. and 9 p.m. Chairman Dennis stated that the restriction can be put on the site plan to say "Monday – Friday" pickup only. Chairman Dennis added the restriction to the site plan and had the applicant sign the site plan into record.

Commissioner Hart made a motion to approve the amended site plan dated 6/22/2013 and last revised 8/23/18 for 1529 Central Ave. Commissioner Tommaney seconded the motion.

VOTE: Unanimous to approve the application.

DISCUSSION:

Mia Lucci's

Attorney Caponera updated the Commission on the ongoing court case with Mia Lucci's at 1647 Central Ave. Attorney Caponera stated the Mayor and Board of Trustees agreed to the latest site plan submitted by Mr. Kazanjian that depicts the green space coming all the way down to the road. Attorney Caponera stated that the judge adjourned the case for another 6 weeks which will allow Mr. Kazanjian to come into the Planning Commission to submit the site plan for approval. Mr. Kazanjian's engineer, Luigi from ABD Engineering will speak to Engineer Laberge in regards to getting the site plan finalized for submission. Commissioner Hart asked if the Commission will vote on this site plan. Attorney Caponera stated yes, Mr. Kazanjian is to bring in the site plan for a formal approval. Chairman Dennis asked what the timeframe is on the court case. Attorney Caponera stated that the Village is set to go back to court on September 20th. Attorney Caponera stated that he will contact Engineer Luigi to work on a submittal to the Commission.

Mavis Tire

Commissioner Hart brought up a concern about the new Mavis Tire at 1894 Central Ave. Commissioner Hart stated that the bay doors are open during business hours. Commissioner Hart stated that he read the conditions of approval for the application and it stated the business must operate with the doors closed. Commissioner Hart suggested that the Commission ask the building department to issue a citation or take them to court. Attorney Caponera asked about the landscaping on the site. Chairman Dennis stated that the trees on the site are 6-8 feet in height but only 1 ½ inches in caliber, which is smaller than the usual recommended 2-3 inches. Attorney Caponera found in the Village Code section 242-8a3 which states "...the sale and service of motor vehicles, mobile homes, recreational vehicles or boats, provided that all service or repair takes place in a completely enclosed building." Engineer Laberge stated that he will contact Mavis Tire and notify them of the Village Code statute. Attorney Caponera stated that if the applicant chooses, it can go forward to obtain a variance.

Wendy's

Mr. Chad Adams was in the audience for the Wendy's application at 1770 Central Ave. The application was not on the agenda, however Mr. Adams was in the area and wanted an update from the Commission. Engineer Laberge stated that he can set up a meeting with Mr. Adams, the property owners and Chairman Dennis. Chairman Dennis stated that the Commission reviewed rough sketches put together by Engineer Laberge. Chairman Dennis stated that the Commission has discussed different drive-thru and queuing options for other alternatives on this site. Commissioner Martin stated that the goal is to revamp the whole parcel and not to push stacked cars in the drive-thru into Karner Road.

124 Lincoln Ave

Attorney Caponera stated that he received the declaration of easement agreement for 124 Lincoln Ave. Engineer Laberge stated that the monetary obligations have not been satisfied yet and the storm water maintenance agreement has to be done before a CO can be issued. A full set of building site plans, subdivision maps and mylars have been received for approval signatures. Engineer Laberge reviewed the site plans and determined it would be in the best interest for the Commission to hold off signing the site plans until the floor plans and elevations are included in the submittal as was requested. The Commission agreed. The Commission signed the subdivision plans for official approval.

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