

Chairman Dennis asked Mr. Feinman to label the building numbers on the site plan for the next application. Commissioner Martin asked about the square footage distribution for the warehouse. Mr. Feinman stated that the building is now full and is within the 60/40 warehouse and office distribution.

Commissioner Chudzinski asked how much oxygen is stored on site. Mr. Warden stated there is 2100 cubic feet of storage for oxygen on site. Commissioner Chudzinski asked the applicant to contact the Colonie Fire Company and notify them that oxygen is stored on site. Commissioner Martin asked if the oxygen tanks are filled on site. Mr. Warden stated no, the empty tanks are sent out to be refilled.

Commissioner Martin made a motion to approve Promptcare at 16 Jupiter Lane suite 3. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the tenant change as presented.

APPLICANT:

**1520 CENTRAL AVE
FARMERS INSURANCE
(Tenant Change)**

Mr. Brent Teague, real estate agent and applicant for Farmers Insurance came before the Commission to seek a tenant change. Mr. Teague stated that he had his real estate agency next door and would like to open his insurance business. Commissioner Martin asked if there was a suite number. Mr. Teague stated suite 100. The Commission did not have any comments or questions regarding this application.

Commissioner Martin made a motion to approve Farmers Insurance at 1520 Central Ave suite 100. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICANT:

**10 WALKER WAY SEC. 7
FIDEN'S BREWING CO.
(Tenant Change)**

Mr. Mike Carter, part owner of Fiden's Brewing Company, and Mr. Joe Clark, property owner came before the Commission to seek a change of tenant at 10 Walker Way Sec. 7. Mr. Clark stated that the site plan submitted in the Commission packets reflects the added dumpster. Mr. Clark submitted into record two floor plans for the proposed business. Mr. Clark stated that the existing space has a wall separating the office and warehouse space, the tenant will be taking down the wall and will be adding a cooler and fermenting vessels. Chairman Dennis asked the applicant to describe the business for the Commission. Mr. Carter stated that Fiden's Brewing Co. is a nano-style, garage scale beer brewing company. Mr. Carter stated that this is a very small scale production using 420 gallon tanks. Each brew takes about 4 hours and a total of 3 types of beer will be brewed on site weekly. Mr. Carter explained that he and his partners have full time jobs so

this production will run on part time hours in the evenings and weekends. Mr. Carter stated that there will be a walk in cooler where customers can come in to fill a growler and sample the beer. Mr. Carter pointed out on the floor plan that there will be a “bar area” where the customers can come in to fill their orders. Mr. Carter stated that the company hopes to have cans available for purchase down the road but as of right now the customers have the option to fill a growler or small 5 gallon kegs. All products are considered self-distributed at this time.

Commissioner Martin asked what the circles on the floor plan represented. Mr. Carter stated that they are the fermenting vessels and holding conditioning tanks. Mr. Carter explained that there are three vessels proposed right now with the hopes that the business is successful and more can be added. Mr. Carter clarified the onsite and offsite consumption for the Commission. He stated that the customers come in to fill their growlers or small kegs and consume the product offsite. The customers can purchase 6-8 ounce samples to help them decide what they would like to purchase. Commissioner Martin asked what kind of deliveries will be made to the site. Mr. Carter stated that the malt and hops are delivered by vendors. Commissioner Martin asked if the fermenting vessels are enclosed. Mr. Carter stated yes, everything is enclosed and the vessels are pressure stamped.

Chairman Dennis asked about the counter area with the purchasing of samples. Mr. Carter stated that the customer can purchase small samples at the counter to help them decide what to purchase. Chairman Dennis asked Engineer Laberge if the retail is within the ancillary use. Engineer Laberge stated that the retail as an ancillary use is allowed as long as it is less than half of the main operation of the business; selling samples is ok as long as the retail business is a lesser portion of the main business operation. Commissioner Martin asked that if the customers purchase the growlers onsite then the retail portion of the business is 100%. Commissioner Martin continued to state that based on the business plan proposed by the applicant a large percentage of people coming into the business will be retail since the business is not distributing any product yet.

Commissioner Hart asked how many and what size the samples are. Mr. Carter stated that customers can purchase no more than two 6-8 ounce samples. Mr. Carter stated that the purchase of samples is to generate some kind of revenue and get exposure. There is no seating in the counter area but there is a small gathering area. Mr. Carter explained that he does not want people coming in and staying for long periods of time as that is not the type of business they are promoting. Mr. Carter stated that there are 3 brews being made at any time and customers can sample up to two. Commissioner Martin asked if there will be any food available. Mr. Carter stated no. Mr. Carter stated that the hours of operation will be Thursday thru Friday 5pm – 8pm and Saturday and Sunday 11am – 5 pm.

Attorney Caponera stated that it seems that the main business is retail as customers drive to their location to get the product. Mr. Carter explained that the business hopes to start distributing to bars and restaurants in the area once there is product recognition. Chairman Dennis asked if distributors come to 10 Walker Way to sample the product or do they bring the product to the bar/restaurant? Mr. Carter stated that they will bring the product to the bars and restaurants. Commissioner Judge asked if this is a new or existing business. Mr. Carter stated that the business is an existing LLC out of Altamont and he and his business partners have been developing the product out of a garage over the past two years. Mr. Carter stated that they will need a State Liquor Authority license which they are currently in the process of obtaining.

Commissioner Hart asked if the applicant is familiar with Schmaltz's Brewing and if the proposed business is similar to Schmaltz's operations. Mr. Carter said he is familiar with the brewing company and that Schmaltz's operates at a larger capacity than what Fiden's is proposing. Commissioner Hart asked if the applicant plans to can their product. Mr. Carter stated that they would love to, however it is an expensive process so it would all depend on how successful the business is. Mr. Carter explained that in order to can their product a company comes with a canning trailer and leaves the trailer on site and pumps their product in the cans.

Commissioner Martin stated that according to the parking plan, this site only has 6 parking spaces available. Mr. Carter stated that should be enough as there are 3 spaces for himself and his business partners and a few spaces for the customers. The customers should not be staying for more than a few minutes as their growler is being filled. Mr. Carter explained that the business wants to be known as a nano/garage brewery with an industrial feel. They do not want people coming and hanging out, they want customers to come in, get their product and take it home to enjoy. Commissioner Martin stated that the tenant parking chart for the entire building states that the hours of operation is Monday through Sunday from 6am – 5 pm. Mr. Carter reiterated they will not be open to customers all that time. Mr. Carter stated that the he and his partners would come in during the day as they need to but the business would only be open to the public Thursday – Sunday as stated in the submittal.

Engineer Laberge asked if there will be any odor coming from the building during the brewing process. Mr. Carter stated no, everything will be contained inside. Engineer Laberge advised the applicant of necessary procedures for sewer temperature requirements and Albany County Sewer pH levels. Engineer Laberge added that approvals may be needed from the Village Department of Public Works. Commissioner Judge asked how the spent grains are disposed of. Mr. Carter stated that the spent grain will go to local farmers for livestock feed. Mr. Carter stated that the farmers will either pick up the spent grain or they will deliver to the farm. Mr. Carter stated that there is very little waste and that the entire process is actually very efficient. Mr. Carter stated that most of his product is from California and Canada.

Attorney Caponera read the section of Village code stating the definition of "light industrial" and stated that in his opinion this business fits the description of light industrial. The Commission discussed the aspects of this applications retail use. Commissioner Martin stated that the applicant should go to the Zoning Board of Appeals for a variance to allow for more than 50% of the business to be retail. Attorney Caponera read Village Code section 242-10(A) (1) (e) for accessory uses in the Commercial D zone. Attorney Caponera stated that based on the information in the applicant's narrative and what has been discussed tonight, the applicant does not meet the criteria for an accessory use.

Commissioner Martin made a motion to deny the application for 10 Walker Way section 7 for the reasons under Village Code section 242-10(A) (1) (e) accessory use. Commissioner Hart seconded the motion.

VOTE: Unanimous to deny the application as presented.

DISCUSSION:

The Commission discussed the pending application for 1741 Central Ave, Spring Healthy Center. Attorney Caponera stated that he has reviewed the submission and stated that Attorney Freedman submitted court documents and the applicant has satisfied the court's ruling. The application is to allow the foot spa to expand to massage services.

Coordinator Hart stated that the next meeting falls on Election Day and the Village is closed. The Commission agreed to cancel the first meeting in November. The next Planning meeting is November 20th at 6:30 p.m.

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

VOTE: Unanimous to adjourn the meeting at 7:42 p.m.

Respectfully Submitted,

Alexandra M. Hart
Planning Coordinator
Village of Colonie