

Engineer Laberge stated that 54 parking spaces are required on the site, however there are enough parking spaces in the back to fulfill the requirement.

Commissioner Martin asked if there will be any showrooms at this location. Mr. Rafferty stated no, all showings will be at the Latham location. The only people that will come to the site will be vendors and sales managers.

Commissioner Martin made a motion to approve the change of ownership for Raff Enterprises, LLC at 16 Petra Lane. Commissioner Tommaney seconded the motion.

VOTE: Unanimous to approve the ownership change as presented.

Commissioner Martin made a motion to approve California Closets at 16 Petra Lane. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the tenant change as presented.

APPLICANT: **1592 CENTRAL AVE
KRAKEN SCUBA, LLC
(TENANT CHANGE)**

Ms. Anna Barfield, president of Kraken Scuba, LLC came before the Commission to seek approval for a tenant change at 1592 Central Ave. Ms. Barfield stated that she has taken over her family’s Seguin Scuba shop and has rebranded the company to Kraken Scuba, LLC. Commissioner Martin asked if licenses are needed to run this business. Ms. Barfield stated yes and the licenses are obtained. Ms. Barfield stated that nothing has changed on the site other than the rebranding.

Commissioner Martin made a motion to approve Kraken Scuba at 1592 Central Ave. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICANT: **560 SAND CREEK ROAD
TINY TOWN GROUP DAYCARE
(OWNERSHIP & TENANT CHANGE)**

Commissioner Hart recused himself from this application.

Mrs. Kristen Blais came before the Commission to seek an ownership change and tenant change at 560 Sand Creek Rd, the old Life Church property. Chairman Dennis stated that the applicant has met with the Mayor, Engineer Laberge and myself and the applicant is aware that a use variance is needed. Chairman Dennis stated that the applicant is seeking a denial in order to go before the Zoning Board of Appeals.

Mrs. Blais stated that she owns and currently operates the group daycare out of her house. The program currently has 16 children with 15 families on the waiting list. Mrs. Blais explained that she would like to relocate and expand her daycare to 560 Sand Creek Rd where she is currently

under contract to purchase the property. Mrs. Blais stated that she plans to expand the daycare program to 113 children and 30 employees over the course of her five year development plan. Mrs. Blais stated that the current property owner, Life Church offers no tax revenue but with the proposed business plan she can provide site improvements, tax revenue, and employment to the Village.

Attorney Caponera asked what the hours of operation are. Mrs. Blais stated that she would be open Monday thru Friday with no weekends. The hours will be based off of need but Mrs. Blais stated that it would be no earlier than 7 a.m. and no later than 6 p.m. Attorney Caponera asked the applicant how many people she would be employing. Mrs. Blais stated that there will be 15 employees right now although the number of employees is based off of the ratio set by the Department of Children and Family Services (DCFS). Mrs. Blais stated that she proposes to have a three phases of development. For a total of 43 children, 12 employees will be required and the ration from there depends on the growth of the daycare. Attorney Caponera asked what the DCFS ratio is. Mrs. Blais explained the ratios: infants 4:1; older children 15:1.

Mrs. Blais explained that she would like to improve the site to include outdoor play areas, which are also required to be separated and fenced off based on age. Mrs. Blais continued to explain that she would also like to have indoor play areas.

Attorney Caponera stated to the Commission that they have no legal authority to act on this application, the only thing the Commission can do is deny the application so the applicant can apply for a variance with the Zoning Board of Appeals. Commissioner Martin asked what kind of variance is required. Attorney Caponera stated that the applicant will need a use variance because the proposed use is not allowed within Residential A and under the Village of Colonie code a daycare is considered Commercial use. Engineer Laberge stated that the site plan submitted is the existing site plan and the applicant will need to submit new site plans for review. Mrs. Blais stated that she is keeping the exterior of the building the same however she plans to improve the site with fences, landscaping, play area, and parking. Commissioner Judge stated that he believes State and Federal background checks are required for the employees. Mrs. Blais stated that she plans on having Federal background checks for her employees.

Chairman Dennis stated that this meeting is not a public hearing and that the neighbors will receive public notices for the Zoning Board of Appeals. Mrs. Blais stated that she did go door to door to all the neighbors to let them know what her plans are. Chairman Dennis asked if anyone in the audience would like to speak briefly about the application.

Ms. Pat Kennedy from 22 Peter Drive stated that she fully supports Mrs. Blais' application and submitted a letter to the Commission. Coordinator Hart read the letter aloud and submitted the letter into record.

Ms. Jessica Zayac from 88 Delafield Drive stated that she believes Mrs. Blais' proposal is a great idea, her property is right on the edge of the driveway to 560 Sand Creek Rd and Ms. Zayac is worried about the traffic control. Ms. Zayac does not believe the drive can be made into two lanes and traffic from 100 cars twice a day will be very disruptive. Ms. Zayac explained that the church

would cancel services in the wintertime due to the fact they had nowhere to put snow. Ms. Zayac suggests that a traffic study be done as part of considering the application. Commissioner Martin made a motion to deny the application due to the need of a use variance. Commissioner Tommaney seconded the motion.

VOTE: Unanimous to deny the application.

APPLICANT:

**10 WALKER WAY
FIDEN'S BREWING CO.
(TENANT CHANGE)**

Mr. Mike Carter appeared before the Commission to seek approval for his brewery located at 10 Walker Way section 7. Mr. Carter explained that at the last Planning Commission meeting the application was denied due to the need for a variance. Attorney Caponera complimented Mr. Carter for his honesty and integrity to both the Planning Commission and Zoning Board. Attorney Caponera stated that the ZBA granted Mr. Carter's variance for retail use. Attorney Caponera stated that the applicant has the intent to distribute and wholesale the products to area bars and restaurants if the business grows successful. Attorney Caponera stated that the Planning Commission is now considering a site plan application as submitted. Chairman Dennis asked if the business operation still remains as originally proposed. Mr. Carter stated yes.

Commissioner Martin stated that from the description on the site plan application, the intent was to wholesale the product. Commissioner Martin asked if the ZBA proposed a time limit for the transition from retail to wholesale. Attorney Caponera stated that the ZBA conditioned the approval with a sunset provision at this location. Attorney Caponera clarified that the variance runs with the tenant. Chairman Dennis asked if there is a copy of the ZBA decision. Coordinator Hart stated that the decision will not be available until the next ZBA meeting when it is formally signed. Attorney Caponera stated that he will verify the approval for this application.

Engineer Laberge asked in regards to the sanitary sewer system, how much discharge is expected during the brewing process. Mr. Carter stated there will be minimal discharge as most of the discharge is reused or given to local farms for feed. Mr. Carter explained that he has to follow FDA guidelines for water pH levels. Commissioner Martin asked who monitors the pH and water temperatures. Engineer Laberge stated that it would be up to the Department of Public Works to monitor. Engineer Laberge stated that the applicant would need to notify the Commission with any change in capacity.

Commissioner Martin asked if the applicant planned on adding any more fermenters to the operation. Mr. Carter stated that if they are successful then it is possible to add another 1 or 2 fermenters. Mr. Carter submitted into record a floor plan showing where the equipment is proposed to go. Chairman Dennis stated that if the capacity of the business changes then the applicant would need to re-appear before the Planning Commission. Attorney Caponera stated that the applicant can ask the Commission to consider extra fermenters. Mr. Carter asked the Commission to consider the potential for additional fermenters to raise capacity. Commissioner Martin asked what size fermenter would be needed. Mr. Carter stated he would need 8 barrels that hold 30 gallons.

Mr. Carter stated that they currently have 3 fermenters. Commissioner Martin asked how many fermenters this would total. Mr. Carter stated that there would be 5 fermenters in total.

Commissioner Martin made a motion to approve Fiden's Brewing Company at 10 Walker Way Section 7 with a maximum of 5 eight barrel fermenters. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICANT:

**1614 CENTRAL AVE
MEN'S INC. BARBER SHOP
(TENANT CHANGE)**

Mr. John Griner and Jeff Kruzinski, owners of Men's Inc. Barber Shop came before the Commission to seek approval for a tenant change application at 1614 Central Ave. Mr. Griner stated that 1614 Central Ave is the old Valvoline site. Mr. Griner explained that he currently operates this business in the Town of Colonie and would like to expand into the Village of Colonie. Chairman Dennis asked about the business volume. Mr. Griner stated that the proposal is for 10 stations but not all stations are full time. The chairs will be rented weekly and hours for each person are not the same. Mr. Griner stated that there are usually 6 or 7 barbers on at a time. Chairman Dennis asked if there is a cross easement on the property for parking. Chairman Dennis pointed out a one way in/out on the site plan. Mr. Griner stated that the parking was scaled off of the current parking on site. Mr. Griner stated that there weren't parking spaces in front of the bays because of cars coming in and out so parking spaces were added in front of the bay doors which brings up the total parking to 23 spaces. Commissioner Martin asked how vehicles were going to access the site without going onto the neighbor's property. Commissioner Martin does not think there is enough room to navigate. Attorney Caponera stated that according to the site plan provided, there are easements east and west of the property. Engineer Laberge stated that a site plan amendment will be needed for this site.

Mr. Griner stated that he is conducting a phase one environmental study and there were only 3 spills recorded. Mr. Griner explained that they plan to retro fit the building and will be keeping the bay doors to incorporate a different concept. Mr. Griner explained that the floorplan will be maintain the exiting footprint. Mr. Griner also explained that his current business in the Town has a similar parking situation and 23 parking spaces would be excessive for the volume.

Chairman Dennis stated that he did not see a problem with the use on the site. Commissioner Hart asked if there would be any issues with this business operating with the bay doors open, as there are issues with the auto body shops in the Village operating with bay doors up. Attorney Caponera stated the bay doors are only an issue with automobile shops and collision centers mainly for noise and smell. Attorney Caponera does not see a problem with this proposed use. Attorney Caponera stated that the parking calculation for this site it one parking spot for the employee plus three per station. Mr. Griner stated that he averages about 6 stations per day although there is potential for 10 at a time. Engineer Laberge stated that the applicant will have to demonstrate the parking spaces with access on a site plan. Mr. Griner stated that he will check the deed to see if there is a cross parking easement with the surrounding property. Engineer Laberge stated that he would like to see

a site plan with building elevations and on-site and off-site easements and suggests that the applicant meet with him to go over the site plan before the next submission. Mr. Griner agreed.

APPLICANT:

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

Mr. Dave Freedman, Attorney and Ms. Kuen Ling Cheng, owner of Spring Healthy Center were present before the Commission with a translator to present a change of use to Ms. Cheng's existing business. Mr. Freedman stated that he and Ms. Cheng are here before the Commission with a new application to change the use of the current business and expand into licensing full body massages. Mr. Freedman explained the details of Ms. Cheng's arrest and court decisions and that it has been 5 years since she satisfied her probation. Mr. Freedman stated that Ms. Cheng proposes one part time licensed therapist that will work a few hours a week. There are no changes to the floor or site plans. Mr. Freedman stated that Ms. Cheng has fully complied with her term of probation and will ensure that she only employees licensed massage therapists.

Attorney Caponera stated that as the Commission knows, in 2013 Ms. Cheng was charged in violation of knowingly conducting unlicensed massages. Mr. Freedman did not represent Ms. Cheng in this case. Ms. Cheng completed her probation requirements in August 2015. Attorney Caponera read the details of Ms. Cheng's order of probation that was submitted into record by the applicant. Attorney Caponera stated that the Planning Commission currently restricted the applicant to providing nail services and foot massages only.

Code Enforcement Officer Cerone stated that he found massage beds in one of the rooms and told the applicant she must come back to the Planning Commission for a change of use. Attorney Caponera stated that the Commission can legally consider the change of use application. Chairman Dennis stated that the current site plan is on file. Commissioner Martin stated that the site/floor plan does not identify treatment rooms. Mr. Freedman stated that the applicant is not good at drawing, so she submitted pictures of the rooms with beds in them. Commissioner Martin stated that there are two beds in one of the rooms, he asked if there will be privacy for the customers. Mr. Freedman stated that there is only one licensed massage therapist, therefore it is unlikely there will be two people in there at once. Commissioner Martin asked if there is a floor plan provided. Mr. Freedman stated no there is not. Attorney Caponera asked if the part time licensed massage therapist was the woman from Flushing, NY. Mr. Freedman stated yes. Commissioner Hart asked if the part time employee is not present if massages will be offered. Mr. Freedman stated no. Commissioner Hart asked if the other chairs in the rooms turn down into beds. Ms. Cheng, who answered through her translator, stated that the chairs do recline, but not fully into a bed.

Coordinator Hart supplied the Commission with a previously submitted floor plan for this business. Attorney Caponera stated that there is a break room, two treatment rooms, barber shop and a waiting room shown on the floor plan. Attorney Caponera asked if this floor plan correctly reflects the existing floor plan. Mr. Freedman stated yes. Chairman Dennis asked if there are any

other tenants for this building. Mr. Freedman stated no, Ms. Cheng is the owner and lives in the one family apartment upstairs.

Commissioner Martin asked if the licenses for any of the massage therapists will be available upon request at any time. Mr. Freedman stated yes, copies of any licenses will be submitted to the Village and by New York State law have to be hung on the wall and visible. Commissioner Hart stated that there is a website the people can look up the validity of the licenses as well. Commissioner Hart asked question 19 on the Change of Use questionnaire regarding adult entertainment. Ms. Cheng answered no.

Commissioner Hart made a motion to approve the change of use at Spring Healthy Center to provide full body massages. Commissioner Tommaney seconded the motion.

VOTE:

John Martin - Abstained
 Mike Tommaney - YES
 Kenny Hart - YES
 Dan Judge – YES
 Chris Dennis – YES

The application is approved.

APPLICANT:

**1526 CENTRAL AVE
 CITY MEAT MARKET
 (TENANT CHANGE)**

Mr. Zaigham Bokhari, owner of 1526 Central Ave and Mr. Keith Kramer, engineer, came before the Commission to seek a tenant change approval at 1526 Central Ave. Mr. Bokhari stated that he is the owner of 1526 Central Ave and lives in the upstairs apartment with his wife. Mr. Bokhari stated that he and his wife are looking to open up a butcher shop in the downstairs retail area previously occupied by Capital Kitchen. Mr. Bokhari stated that he appeared before the Commission last year to make sure the use is allowed and received verbal confirmation that the butcher shop is allowed. Commissioner Hart asked the applicant if he plans on butchering live animals. Mr. Bokhari stated no, they will receive deliveries of already butchered meat and will process the pieces from there.

Engineer Laberge stated that the last tenant was retail so the site is going from retail to retail. Engineer Laberge stated that there are changes to the site plan to include a cooler and pavement. Commissioner Martin asked if there will be outside storage. Mr. Bokhari stated yes, there will be a walk in cooler. Commissioner Hart asked if there is exterior access to the cooler. Mr. Bokhari stated no. Commissioner Martin asked how the applicant will dispose of waste products. Mr. Bokhari stated he plans on just bagging up the waste products and leaving them at the curb for commercial pick up. Commissioner Hart asked if the applicant has any dumpsters. Mr. Bokhari stated that he does not have any but he can retain the garbage inside the building and have multiple pick-ups a week. Commissioner Hart stated that is a better idea because leaving meat waste products on the curb in bags will smell and attract animals. Commissioner Hart suggested a two ton roll out dumpster than can be stored in the building. Commissioner Hart asked if there is

blacktop down to the basement of the house. Mr. Kramer stated that there are 2 garages with doors and there is pavement in front of the doors. Mr. Kramer explained that one garage will be outfitted for the cooler and one garage will be for deliveries and processing.

Commissioner Judge asked what the applicant plans to name his business. Mr. Bokhari stated “City Meat Market.” Commissioner Judge asked how customers will come and get the goods. Mr. Bokhari stated that customers can walk in and order. Mr. Bokhari stated he does not plan on selling to other businesses. Commissioner Hart stated that there is non-paved access to the garage and that there are 10 parking spaces including some within the 25 foot setback buffer space. Engineer Laberge stated that the site is pre-existing non-conforming and any changes increasing the non-conformity will require variances through the Zoning Board of Appeals. Engineer Laberge stated that adding a driveway to the rear will require a variance as it will violate the 25 ft. residential buffer setback and change the existing non-conforming site. In addition, the proposed cooler is located within the 25 ft front yard setback and would also require a variance. Attorney Caponera stated that a variance is required for the setback buffer and parking but the site does meet the required green space. There was a discussion about moving the cooler and setback requirements. Attorney Caponera and Engineer Laberge determined that the side yard setback is 10 feet and the site conforms and will not need a variance.

Engineer Laberge suggested that the applicant and his engineer try and reconfigure placement of the cooler, eliminate the driveway, and come back to the Commission. Engineer Laberge stated that he would also like to see elevations of the cooler and landscaping to add to the buffer. Commissioner Hart asked if the cooler condenser will make noise. Engineer Laberge stated that the applicant will need to provide decibel levels for the condenser. Engineer Laberge stated that he would like to see a full site plan application.

The applicant chose to adjourn his application for further review.

APPLICANT:

**1586 CENTRAL AVE
DEPAULA CHEVROLET – MASERATI
(OWNERHSIP & TENANT CHANGE)**

Commissioner Hart recused himself for this application. Engineer Laberge stated that he would like the Commission to know that Laberge Engineering in the past have had contracts with DePaula but are not currently under contract.

Mr. Matt Chauvin, attorney and Ms. Kathy McCamy of DePaula Chevrolet came before the Commission to seek an ownership and tenant change at 1586 Central Ave, currently Progressive. Mr. Chauvin stated that DePaula is currently under contract to purchase the 17,000 square foot site and move the Maserati business in its entirety from 1101 Central Ave to 1586 Central Ave. Mr. Chauvin stated that the proposed use is allowed within the Commercial A zone. The applicant proposed to change the front door to double doors to allow cars be driven in and out of the showroom. Mr. Chauvin explained there are movable walls inside which will be moved to accommodate offices. There will be 25 employees in total and about 15 employees at the peak time of day. The proposed hours of operation are Monday thru Thursday 8 am – 8 pm, Friday – Saturday 8 am – 6 pm and closed on Sunday. Mr. Chauvin stated that there will be 125 cars for

retail and the store will average about 30 customers per day, with 5 customers maximum at a time. There will be weekly dumpster pickups and an average of 5 deliveries per day for office, parts and miscellaneous items. Mr. Chauvin continued to explain that there are a total of 157 parking spaces on site and that the applicant is proposing to add 12 lifts to the existing service bays. The current tenant operates as a collision center without the lifts.

Commissioner Martin asked how many overhead doors there are. Mr. Chauvin stated there are about 5. Chairman Dennis asked if the foot print of the building is staying the same. Mr. Chauvin stated yes. Commissioner Martin asked the applicant if she is aware of the traffic on Central Ave and that the site does not have a traffic light. Ms. McCamy stated that yes, the company is aware of the traffic situation and that it is actually an upgrade to their current operation down Central Ave. Commissioner Martin asked if there is a set test drive plan and added that the speed limit on Village streets is 25 mph. Ms. McCamy stated that she will provide a test drive map and will make sure the test drive route does not involve residential streets. Ms. McCamy stated that insurance requires a demonstration route.

Chairman Dennis stated that he would like to see a full site plan application to make sure there aren't any issues. Engineer Laberge added that he would like to see on the site plan landscaping, restriping of the parking lot, lighting, and elevations. Engineer Laberge stated that the car delivery trucks will be able to navigate the current layout. Chairman Dennis stated that he would like to know how the trucks will navigate and what times deliveries will be made. Chairman Dennis stated that parking on the front yard green space will not be allowed.

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

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

Respectfully Submitted,

Alexandra M. Hart
Planning Coordinator
Village of Colonie