



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

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**MINUTES  
TUESDAY, JANUARY 15, 2019  
6:30 P.M.**

The regularly scheduled meeting of the Village of Colonie Planning Commission was held on Tuesday, January 15, 2019

ROLL CALL: Chairman Chris Dennis

Commissioners: John Martin (Absent)  
Ann Krause  
Mike Tommaney  
Peter Chudzinski  
Kenny Hart  
Dan Judge

Village Attorney: Victor Caponera

Village Engineer: R.J. Laberge

Code Enforcement: Mike Cerone

Chairman Dennis opened the meeting at 6:30 p.m. Commissioner Hart led the Pledge of Allegiance and asked that all electronic devices be silenced. The Commission reviewed the minutes from December 18, 2018. Commissioner Tommaney made a motion to approve the minutes as amended. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the minutes from the December 18, 2018 regular meeting minutes as amended.

**APPLICANT:** **1539 CENTRAL AVE  
CRAIG D. APPLE  
(Change of Occupancy)**

Albany County Sheriff Craig D. Apple came before the Commission to seek approval on a change of occupancy at 1539 Central Ave, the former National Guard building. The building is owned by Scott Bendett. Sheriff Apple stated that he proposes to use the space as campaign headquarters. Sheriff Apple stated he will split the tenant space with the Albany County Executive, who will also be campaigning. He also stated that there will be minimal movement of people during the week but there will be people coming in and out periodically on Saturdays.

Chairman Dennis asked what the time frame to occupy this space is. Sheriff Apple stated the week of January 22<sup>nd</sup> thru June hopefully, or November if a Primary Election is needed. Commissioner Hart asked if the Sheriff himself will be the leased tenant or if it will be under a party name. Sheriff Apple stated that the lease is just under his name, not a party.

Commissioner Hart made a motion to approve Sheriff Craig D. Apple for a change of occupancy at 1539 Central Ave. Commissioner Chudzinski seconded the motion.

VOTE: Unanimous to approve the application as presented.

**APPLICANT:**

**1647 CENTRAL AVE  
BRAZILIAN STEAKHOUSE  
(Change of Ownership/Change of Occupancy)**

Mr. Konstantinos Lambroskos, new owner of 1647 Central Ave and Mr. Wesley Reis, proposed tenant of 1647 Central Ave came before the Commission to seek approval for a change in ownership and change in occupancy. Mr. Reis stated that the Brazilian Steakhouse will be a self-serve, no wait, grab and go eatery with fresh and fast food. Mr. Reis stated that the food is similar to the Texas de Brazil restaurant in Crossgates Mall. Mr. Reis stated that he is proposing to put the food out on the counter, buffet style.

Chairman Dennis stated that the floor plan shows 9 tables with 2 chairs at each table. Mr. Reis stated that he knows that parking is an ongoing issue on this site. He added that he and his family are very involved in church and have many people interested in coming to the restaurant; he has already told them to carpool to minimize the amount of cars. Commissioner Chudzinski asked what the parking calculation is for the site. Engineer Laberge stated that the site is pre-existing non-conforming and Truman's was approved for 37 seats as was Mia Lucci's. The proposed Steakhouse therefore is also approved up to 37 seats. Engineer Laberge stated that the 9 tables can have up to 4 seats max bringing to the seat total to 36, under the 37 seat maximum.

Commissioner Tommaney asked Mr. Lambroskos if he bought the house next to the restaurant. Mr. Lambroskos stated yes. Attorney Caponera stated that the restaurant and house have been merged and are now one parcel. Commissioner Tommaney asked Mr. Lambroskos if he has any plans for the house. Mr. Lambroskos stated he plans on keeping it the same but may add some flowers outside. The Commission explained to Mr. Lambroskos that he cannot put anything on the Village right of way, which was outlined on a copy of the provided site plan. Mr. Lambroskos stated that he agreed and would not put anything on the right of way. Attorney Caponera added that there must be specific approvals to any site plan modifications. Mr. Lambroskos agreed.

Commissioner Hart made a motion to approve the change of ownership of the restaurant at 1647 Central Ave and the single family home at 2 Locust Park. Commissioner Tommaney seconded the motion.

VOTE: Unanimous to approve the change of ownership.

Commissioner Judge asked what the name of the business is. Mr. Reis stated that it will be Brazilian Steakhouse. Chairman Dennis asked if there will be any changes to the exterior elevations. Mr. Reis stated that there will be no changes to the exterior building. Chairman Dennis asked if the columns in the front of the building will be returned to their original position. Mr. Reis stated yes, they will be returned, they were taken out so the pizza oven could be removed from the building. Mr. Reis stated that in the future he would like to add a vestibule by the front door. Chairman Dennis stated that a vestibule would modify the approved site plan and would require a new submission. Engineer Laberge stated that the addition of a vestibule would violate the setbacks of the building and would require a variance. Commissioner Hart asked if there will be any changes to the outside structure of the building. Mr. Reis stated no. Commissioner Hart asked if there will be any outside music. Mr. Reis stated no.

Chairman Dennis asked about deliveries as stated on the application form. Mr. Reis stated that if he chooses to add takeout to the business then he would use 3<sup>rd</sup> party vendors like GrubHub or Door Dash. There will be no company cars or drivers. Commissioner Hart asked if the business will only be run out of the restaurant, not the house. Mr. Reis stated that the business will only run out of the restaurant.

Commissioner Hart made a motion to approve the change in occupancy for Brazilian Steakhouse at 1647 Central Ave. Commissioner Tommaney seconded the motion.

VOTE: Unanimous to approve the application as presented.

**APPLICANT:**

**25 WALKER WAY SECTION 3C  
4 PILLAR FITNESS  
(Change of Occupancy)**

Mr. Shawn Huber, owner of 4 Pillar Fitness and Mr. Joe Clark, property owner, came before the Commission to seek approval for a change in occupancy. Mr. Huber stated that his facility will offer functional physical training, small group classes and personal training. Mr. Huber stated that most classes are going to be small with only a few people in them, however some classes may max out with a total of 15 people. With the larger group classes, there will be 2 instructors. Mr. Huber stated that he will have a total of 3 employees.

Chairman Dennis asked about the hours of operation. Mr. Huber stated that the facility will be open Monday thru Friday from 5 am – 7 am and again at 4 pm – 8 pm. Mr. Huber stated that he will be closed during the hours of 7 am to 4 pm. Weekend will be from 7am – 11am. Commissioner Hart asked what kind of training is offered. Mr. Huber stated that he focuses on free weights, bands, Pilates, TRX and yoga. There will be no weight machines. Commissioner Hart asked how the TRX will be secured. Mr. Huber stated that they will be mounted to the side wall with mollies.

Commissioner Hart asked if there are any showers. Mr. Clark stated that there are two existing showers. Mr. Clark added that this 3,700 sq. ft. tenant space was previously occupied by Lawn Dog.

Commissioner Hart made a motion to approve 4 Pillar Fitness at 25 Walker Way Section 3C. Commissioner Krause seconded the motion.

VOTE: Unanimous to approve the application as presented.

**APPLICANT:** **12 PETRA LANE SUITE 1  
MEERKAT  
(Change of Occupancy)**

Mr. Elliot Feinman, property owner came before the Commission to seek approval for a change of occupancy at 12 Petra Lane. Mr. Feinman stated that Meerkat has previously occupied 12 and 16 Petra Lane, each time looking for more space to expand. Mr. Feinman continued to state that the business again is looking for more space and square footage for office space. Mr. Feinman submitted into record the SDS sheets for Meerkat. Chairman Dennis stated that the site plan has been previously approved for the 60/40 warehouse/office configuration and the numbers appear to still meet requirements.

Commissioner Hart made a motion to approve Meerkat at 12 Petra Lane, suite 1. Commissioner Tommaney seconded the motion.

VOTE: Unanimous to approve the application as presented.

**APPLICANT:** **5 FRITZ BLVD  
UNITED RENTALS  
(Change of Occupancy)**

Mr. Tim Doherty, Branch Manager of United Rentals, came before the Commission to seek approval for a change of occupancy at 5 Fritz Blvd. Mr. Doherty stated that the previous tenant was NES Rentals and previous to NES was Albany Ladder. Mr. Doherty stated that United Rentals, which is a publically traded company, purchased NES Rentals and has kept the same business operations. Mr. Doherty explained that United Rentals rents construction vehicles, scaffolding and other construction materials. Commissioner Hart asked if there are other operations locally. Mr. Doherty stated that United Rentals will operate out of Fritz Blvd and another warehouse in Clifton Park. Attorney Caponera asked if this business is similar to Sunbelt. Mr. Doherty stated yes. Commissioner Hart asked if the use is the same as NES rentals or operating under a new name. Mr. Doherty stated that is correct. Engineer Laberge asked if there was any maintenance of equipment outdoors. Mr. Doherty stated that the storage of vehicles are outside and any maintenance is done inside. Mr. Doherty stated that the hours of operation remain the same and are Monday thru Friday from 7 am – 5 pm. Weekends are open for emergencies only.

Commissioner Judge asked how many vehicles there are on site. Mr. Doherty stated that there are 3 trailers and usually around 4-5 rental vehicles, all other vehicles are on the rented sites. Commissioner Hart asked if United Rentals purchased the building. Mr. Doherty stated that the property owner is the same.

Commissioner Hart made a motion to approve United Rentals at 5 Fritz Blvd. Commissioner Krause seconded the motion.

VOTE: Unanimous to approve the application as presented.

**APPLICANT:**

**1586 CENTRAL AVE  
DEPAULA – MASSERATI OF ALBANY  
(Site plan review)**

Commissioner Hart recused himself from this application.

Ms. Kathy McCamy, CFO of DePaula, Mr. Nick Daniels of Hershberg & Hershberg Engineering and Mr. Matt Chauvin, attorney, came before the Commission to discuss changes made to the site plan for the proposed dealership at 1586 Central Ave. Mr. Daniels stated that the former Progressive site will be left as is in matters of vehicle storage and sale. Mr. Daniels pointed out on the site plan changes to the front elevations of the building to accommodate 12 foot wide entry doors to the front of the building. The curb will be dropped as well so cars can be driven over. Mr. Daniels stated that Engineer Laberge requested a truck turning template and designated parking areas for employees, customers and storage which can be provided for the next submission.

Chairman Dennis asked if there are any proposed lighting changes. Chairman Dennis stated that he is worried about the surrounding residences but knows there weren't many issues with the Progressive lighting. Chairman Dennis stated that he would like to see where the cars for employees, customers and storage will be in addition to the lighting plan. Engineer Laberge stated that there are no proposed changes currently for the lighting. Ms. McCamy agreed and stated that the employees will park in the back of the building and all the cars upfront will be for sale or customers.

Engineer Laberge read aloud some points in his review letter dated January 9, 2019. Engineer Laberge commented on storm water regulations and that the vehicle delivery times will need to be noted on the site plan. Engineer Laberge suggested delivery times between 7 am and 8 pm or between 10 am and 5 pm on weekend with no overnight unloading. Ms. McCamy stated that cars will only be delivered in the day time, once a month. Engineer Laberge asked if there will be used vehicles on site for sale or storage. Ms. McCamy stated that yes, DePaula will take the used cars on site but then will move them to another DePaula site. Ms. McCamy stated that they will not sell the used cars and the vehicle brand restricts what can be sold on site. Ms. McCamy stated that this site will strictly be the sale of luxury vehicles. Ms. McCamy stated that DePaula has 6 acres of land used specifically for vehicle storage.

Engineer Laberge stated that a floor plan and elevations still need to be submitted. Mr. Daniels stated that there are no changes to the interior of the building other than the addition of lifts and the exterior doors in the front of the building. Engineer Laberge stated that the floor plan will need to be updated to show the lifts. Chairman Dennis asked to be shown on the site plan where the work will be done on the vehicles. Ms. McCamy pointed on the site plan and stated that the work of vehicles will be done in the rear of the building then demonstrated the driving path the vehicles will take when driving in and out of the service bays. Chairman Dennis stated that the bay doors will need to be closed when vehicles are being serviced. Ms. McCamy agreed and stated that DePaula has to abide by the NYS vehicle and traffic laws that state the bay doors be closed at time

of vehicle service. Commissioner Chudzinski asked if the vehicles will be serviced in the same location as Progressive. Ms. McCamy stated yes.

Commissioner Judge stated that the Village does not want the vehicles test driven on Village streets and asked to be provided the test drive map to be submitted. Ms. McCamy agreed and stated that the vehicles being test driven will take a right hand turn out of the property and get onto the Northway to exit 4 and drive back down Wolf Road. She assured the Commission there will not be any test drives on Village Streets. Engineer Laberge suggested that the drive path be added to the site plan. Chairman Dennis stated that the applicant needs to get drawings updated and will need to come back in with an updated floor plan.

Mr. Charles Dumas, resident on Breeman Street, was present in the audience and asked to come up to the Board table to look at the proposed site plan. Mr. Dumas stated that Progressive was a great neighbor and always listened to neighbors if they had complaints. Mr. Dumas stated that there was a specific point of contact he spoke with at Progressive and asked if DePaula would have someone as well. Ms. McCamy stated that there will be a point of contact and asked Mr. Dumas for his information. Mr. Dumas stated that there were never any issues with the buffer along the residential streets. Mr. Dumas added that he owns 4 houses that boarder this parcel.

Mr. Daniels requested a PDF copy of the approved floor plans for Progressive. Coordinator Hart stated she will e-mail the plan over first thing tomorrow morning.

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

VOTE: Unanimous to adjourn the meeting at 7:40 p.m.

Respectfully Submitted,



Alexandra M. Hart  
Planning Coordinator  
Village of Colonie