



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

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**MINUTES  
TUESDAY, NOVEMBER 19, 2019  
6:30 P.M.**

The regularly scheduled meeting of the Village of Colonie Planning Commission was held on Tuesday, November 19, 2019.

- ROLL CALL: Chairman Chris Dennis
- Commissioners: John Martin  
Ann Krause (Absent)  
Peter Chudzinski  
Kenny Hart  
Dan Judge (Absent)
- 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 meeting minutes from October 15, 2019. Commissioner Martin made a motion to approve the meeting minutes as amended. Commissioner Hart seconded the motion. Motion passed and minutes approved.

**APPLICANT: 1702 CENTRAL AVE  
HOCKEY STORE N MORE LLC  
(CHANGE OF OCCUPANCY)**

Mr. Brad Brown, owner of Hockey Store N More, LLC and Mr. Brandon Bellamy, real estate agent for the property owner were present to seek a change of occupancy at 1702 Central Ave. Mr. Brown stated that his business has been in the Capital District for several years and has been operating the last 10 years in the pro-shop in the Albany County facility. Mr. Brown stated that his current shop is only 600 square feet, so he is looking to expand his store to hold inventory. Chairman Dennis asked if this is the building with the gun shop and lawyer. Mr. Bellamy stated yes. Chairman Dennis asked that the parking requirement be filled out to list all tenants within the building, not just the one being proposed. Mr. Bellamy stated that he will correct that for future submittals. Chairman Dennis stated that this site has 45 parking spaces and he does not see a parking issue for this site.

Commissioner Martin made a motion to approve Hockey Store N More LLC at 1702 Central Ave, 1<sup>st</sup> floor as shown on the site plan. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the application as presented.

**APPLICANT:**

**16 WALKER WAY SECT. 2  
JUNK KING  
(CHANGE OF OCCUPANCY)**

Mr. Joe Clark, property owner and Mr. Todd Porter from Junk King were present to seek approval for a change of occupancy at 16 Walker Way section 2. Mr. Clark stated that this site plan was recently revised for the Red Cross. Mr. Clark stated that this tenant has a total of 7 parking spaces for employees and trucks. Mr. Porter stated that this site will be a place for crews to meet in the morning before going out on jobs. Junk King is currently operating out of 4 Fritz Blvd and is moving to this location, less than 800 feet away. Mr. Porter stated that this site will be used to store tools and all work is done in the field.

Chairman Dennis asked what kind of trucks will be stored on site. Mr. Porter stated that there will be 2 haul trucks on site and the other trucks will be stored at a different location where there is a yard. Mr. Porter explained that this site will be used mainly for offices and storage. Mr. Porter stated that he has 12 yard roll offs that are kept on the trucks, there are no trailers. Commissioner Martin asked where the dumpster was on site. Mr. Clark stated that there is a self-storage shed that was approved with the site plan for 4 Fritz Blvd 5 years ago. Mr. Clark added that the dumpster is not identified on this provided site plan. Commissioner Martin stated that the floor plan is blank. Mr. Porter stated that is correct, he plans to utilize the open space for storage and meeting space. Commissioner Martin asked how many people will attend the meetings. Mr. Porter stated no more than 6 people. Commissioner Hart asked how many employees are proposed. Mr. Porter stated 5 employees including himself. Commissioner Hart asked how long the trucks are and do they fit in the standard parking space size. Mr. Porter stated that they are 16 feet long which, yes, fits in the standard parking space.

Commissioner Martin made a motion to approve Junk King at 16 Walker Way section 2. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the application as presented.

**APPLICANT:**

**16 WAKER WAY SECTION 6  
FITNESS INNOVATIVE TUMBLING  
(CHANGE OF OCCUPANCY)**

Mr. Joe Clark, property owner and Mr. Zak Sawyer, owner of Fitness Innovative Tumbling came before the Commission to present a change of occupancy. Mr. Sawyer stated that he offers private lessons for tumbling, gymnastics and cheerleading between 4pm and 10 pm. He stated that there will be no more than 10 people per lesson and most patrons get dropped off or carpool. Mr. Sawyer stated that he will have very minimal trash and will not require a dumpster. Chairman Dennis asked Mr. Sawyer to describe his business. Mr. Sawyer stated that the floor will be covered in mats and

he will only offer tumbling lessons. Commissioner Martin asked if there were to be any additional gymnastic equipment, such as balance beams, uneven bars or trampolines. Mr. Sawyer stated there will not be any bars, trampoline or gymnastics equipment.

Commissioner Hart asked if there will be any competitions hosted at this site. Mr. Sawyer stated no. Commissioner Martin asked if there would be any Saturday daytime hours. Mr. Sawyer stated no and that he uses Saturday days in support of his other business. Commissioner Hart noted that the application stated the business will be closed on Sundays. Commissioner Hart stated that if the applicant chooses to conduct business on Sunday's he will have to re-appear in front of the Commission for approval. Mr. Sawyer stated that he may use Sunday as a make up day and amended this application on record to reflect hours of operation Monday – Sunday 4-10 p.m. Commissioner Hart asked how many instructors will be employed. Mr. Sawyer stated that it is just himself, this will be his second business location.

Commissioner Martin made a motion to approve Fitness Innovative Tumbling at 16 Walker Way Section 6. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the application as amended.

**APPLICANT:**

**10 WALKER WAY SECT. 7  
FIDENS BREWING COMPANY  
(MODIFICATION TO EXISTING APPROVAL)**

Mr. Joe Clark, property owner and Mr. Michael Carter, co-owner of Fidens Brewing Company were present before the Commission to present a modification to their existing approval. Attorney Caponera stated that he reviewed the application and the applicant is seeking approval to amend their days and hours of operation as well as add high top tables and stools. Attorney Caponera stated that in his opinion the application needs to be denied and an application must be made to the Zoning Board of Appeals to amend their existing variance dated 12/3/18. Mr. Carter stated that they are looking to modify their hours from Thursday and Friday from 4 pm – 9 pm to 5 pm – 9pm, Saturday from 11 am – 6pm to 11 am – 5 pm and add Sundays from 11 am – 5 pm. Mr. Carter explained that Sunday's are as a future option right now. Attorney Caponera stated that the proposal is an extension of the previous application and increases the intensity of the use; it will be up to the ZBA to review the original variance.

Engineer Laberge stated that the applicant came to the Planning Commission and ZBA for the main purpose to sell large retail and the proposal has more accessory use. Commissioner Martin stated that there is an increased scope of the use and asked if the added tables and stools change the use to a bar and would the parking requirements need to be calculated based on bar space and seating. Attorney Caponera stated that in his opinion this is not considered a bar and as such the parking requirements associated with a restaurant and bar would not be applicable. . Attorney Caponera asked what state approvals are necessary for this business. Mr. Carter stated that a State Liquor Authority license is required, and they have already sought approval from the SLA for the tables and stools. Commissioner Martin asked if it is legal to sell alcohol at 11 am on Sundays. Mr. Carter stated that the state changed the hours from 12 noon to 11 a few years ago. Commissioner Martin asked if there will be any TV's installed. Mr. Carter stated no.

Chairman Dennis asked Attorney Caponera to clarify the steps that need to be taken next. Attorney Caponera stated that the Commission should deny this application and the applicant can apply to the ZBA for a modification of a previously granted variance. Attorney Caponera asked if the applicant would meet the parking requirement should a modification of existing variance. Mr. Clark stated that Fidens is open opposite hours of the other tenants of the building and there are no issues with parking.

Commissioner Martin made a motion to deny the application based on the need to modify the existing area variance dated 12/3/18. Commissioner Hart seconded the motion.

VOTE: Unanimous to deny the application.

**APPLICANT:**

**1614 CENTRAL AVE  
JOHN GRINER – MEN’S INC BARBER SHOP  
(CHANGE OF OWNERSHIP & SITE PLAN)**

Mr. John Griner, owner of Men’s Inc Barber Shop, Mr. John Krazinski and Mr. Nick Costa, engineer, were present before the Commission to present updates to the ongoing proposal of a barber shop at the old Valvoline site at 1614 Central Ave. Mr. Costa indicated on the site plan where the existing curb cut is proposed to be reduced. Mr. Costa stated that the sidewalk will be extended as will the curbing. There will be added landscaping and greenspace. Mr. Costa indicated on the site plan where the existing easements are. Mr. Costa explained that there will be 4 parallel parking spaces along the front of the property and 2 added stacked employee parking on the side of the building. Mr. Costa stated that this brings the parking total to 16 spaces which satisfies the Village parking requirement. Mr. Costa explained that the existing drainage will be kept as is. A floor plan was provided to the Commission and shows the bays will be kept and the work stations will be centered.

Engineer Laberge stated that all comments on his review letter dated November 11, 2019 have been addressed and added that the applicant will need a highway work permit for Central Ave. Attorney Caponera stated that there is no elevation plan provided. Mr. Griner stated that he is going to keep the similar color scheme that is existing which is gray tones. Chairman Dennis stated that elevation plans are required and he would like to see one submitted to show exact colors to be used.

Attorney Caponera asked if Mr. Griner purchased the property yet. Mr. Griner stated no, he is still awaiting the DEC declaration letter however he did receive a verbal ok. Mr. Costa stated that the letter isn’t likely to come in until after the holidays.

Commissioner Martin stated that he would like to see different plantings than the current proposed. He would like to see Virginia Sweet Spire or Service Berry as opposed to the burning bush cited on the site plan. Chairman Dennis stated that he would like to see a tree planted in the green space on the side of the building. Commissioner Hart asked how many employees will be working at this location. Mr. Griner stated 4.

The applicant will return with a stamped floor plan, elevation plan, and declaration letter from DEC.

**APPLICANT:**

**350 NEW KARNER ROAD  
CAPITAL VOLVO OF ALBANY  
(SITE PLAN)**

Attorney Caponera recused himself from this application.

Mr. Eric Kahn, owner, Mr. Bill Mafriaci and Mr. Dan Hershberg from Hershberg and Hershberg, and an architect for Capital Volvo were present before the Commission to provide updates to the ongoing proposal for a new Capital Volvo dealership at 350 Karner Road. Mr. Hershberg stated that he received a letter from the Colonie Fire Chief Jeff Kayser regarding the fire hydrant. Mr. Hershberg stated that he spoke with the Latham Water Department since the fire hydrant is owned by the Town of Colonie and they have approved to relocate the hydrant closer to the roadway. Mr. Hershberg stated that they are proposing to add evergreen trees and junipers in the front of the property. Mr. Hershberg stated that Mr. Kahn did receive a variance for the greenspace in the front by the Zoning Board of Appeals.

Engineer Laberge stated that there are only some technical items left from his review letter dated November 14, 2019. Engineer Laberge discussed the watermain, hydrant relocation and minor grading. Engineer Laberge explained that the Town should run a 16- inch watermain from behind the Price Chopper Plaza to loop through to Village water main. The Village of Colonie would own the watermain. There was a discussion regarding the relocation of the hydrant and Mr. Hershberg stated that he will confirm the Albany County. He explained that there could be a future plan to add a second lane on New Karner Road. Engineer Laberge stated that the SWIPP needs to be addressed. Engineer Laberge also added that standard pavement be installed to avoid hotspots on the employee parking.

Commissioner Martin stated that the proposed Maples are invasive and need to be changed out with something different. He suggested that astilbies prefer wet soil and shade and may not do well in the proposed location. Commissioner Martin also suggested multiple colors of the proposed day lilies not just yellow. Chairman Dennis noted that the applicant is proposing blue rug juniper at 18 inches. Mr. Hershberg stated that yes, that will be for ground cover.

Chairman Dennis asked if there was a lighting plan provided with the height of the poles. Mr. Hershberg stated that the plan is provided in the plan set and the lights will be 18 feet. Engineer Laberge stated that the proposed lighting is very similar to what is at CarMax. Chairman Dennis requested cut sheets for the lighting.

The Architect for Volvo brought samples of the glass to be used on the proposed exterior elevation. He demonstrated three different types of glass that will be used and explained the different translucence and light visibility of each.

**APPLICANT:**

**1653 CENTRAL AVE  
GOLDSTEIN STORAGE  
(SITE PLAN)**

Mr. Alan Goldstein, Mr. Bill Mafriaci and Dan Hershberg from Hershberg and Hershberg and Attorney Anthony Maney were present before the Commission to discuss site plan improvements at 1653 Central Ave. Mr. Hershberg stated that Mr. Goldstein is proposing to build a three story storage unit building with a parking lot in the rear for overflow Goldstein Auto inventory. Mr. Hershberg stated that they have eliminated the driveway closest to Kim's Asian Market and will now just have one single entrance and exit. The stormwater management will have an infiltration basin and will be a shallow 3 feet. The applicant is also proposing a fence or gate to be added to restrict access to the other Goldstein lots.

Attorney Caponera stated that this use is not specified or defined under Commercial A in the Village code. In his opinion, Attorney Caponera stated that this use of storage units is allowed. Mr. Hershberg indicated the parking spaces along the side of the site on the site plan to be used by storage patrons. Mr. Hershberg stated that there are 27 parking spaces allotted currently. Chairman Dennis stated that the parking requirement for warehouses is 1 space per 1,000 square feet and asked how many square feet the building is. Mr. Mafriaci stated that the entire building is about 105,000 square feet. Chairman Dennis stated that 105 parking spaces are required by code. Chairman Dennis stated that more parking needed to be added to the site for future use of the site. Commissioner Martin requested the site plan reflect the actual storage square footage provided in the building on a per floor basis. Mr. Goldstein added that there are 141 parking spaces in the rear that could be leased to the storage facility.

Commissioner Hart stated that he only counted 26 spaces, not 27, and added that it is possible the stripped handicapped spaces were counted in by mistake. Attorney Caponera stated that since this building will not be a multiple use project the Planning Commission cannot reduce the amount of parking spaces required and a variance is required. Attorney Caponera recommended that the applicant provide documentation regarding other facilities of this type and their parking requirements as examples of actual site parking needs. Engineer Laberge reviewed his comment letter from October 22, 2019 and stated many of the comments have been addressed on the plan provided tonight. Engineer Laberge stated that awnings need to be placed over the doors as per Village code. The inclusion of the awnings needs to be considered when determining building setbacks. Mr. Goldstein stated that he is working on the lighting plan and it will likely consist of motion activation lights that will be dim enough not to disturb the neighboring houses. As for the landscaping there will be a 3-foot berm with 6-foot trees. Mr. Goldstein stated that he plans to subdivide the parcel and can always lease back parking spaces to the owner of the building.

Commissioner Hart asked what the width of the entrance is. Mr. Hershberg stated 24 feet. Commissioner Hart asked if a tractor trailer will be able to enter, turn and exit in the space provided. Mr. Hershberg stated yes and that Goldstein will not have any tractor trailers deliver onsite. Mr. Mafriaci stated that inventory cars are usually unloaded and jockeyed over by staff. Attorney Maney stated that they are still trying to pursue the Restore New York Grant and still need to verify if a subdivision will be acceptable.

Attorney Caponera stated that the applicant has two options: come back to the Commission showing more parking on the site or request to be denied and seek an area variance with the ZBA. Attorney Maney asked to be denied based on the plan submitted.

Commissioner Martin made a motion to deny Goldstein Storage due to lack of parking and side setbacks. Commissioner Hart seconded the motion.

VOTE: Unanimous to deny the application as presented.

**DISCUSSION:**

The Commission discussed the need to fill one permanent commissioner vacancy and one alternate position.

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

VOTE: Unanimous to adjourn the meeting at 8:40 p.m.

Respectfully,



Alexandra M. Hart  
Planning Coordinator  
Village of Colonie