



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

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**MINUTES
TUESDAY, JANUARY 21, 2020
6:30 P.M.**

The regularly scheduled meeting of the Village of Colonie Planning Commission was held on Tuesday, January 21, 2020.

- ROLL CALL: Chairman Chris Dennis
- Commissioners: John Martin (Absent)
Ann Krause (Absent)
Peter Chudzinski
Kenny Hart
Dan Judge
Jim Splonskowski
Mark Keegan, *Alternate*
- Village Attorney: Victor Caponera
Henry DeCotis
- 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 January 7, 2020. Commissioner Hart made a motion to approve the meeting minutes as amended. Commissioner Judge seconded the motion. Motion passed and minutes approved.

Chairman Dennis stated that Commissioner Keegan will assume full voting privileges for this meeting.

**APPLICANT: 1614 CENTRAL AVE
MENS INC BARBER SHOP
(CHANGE OF OWNERSHIP, SITE PLAN AMEND. & CHANGE OF OCCUPANCY)**

Mr. John Griner, owner and Mr. Nick Costa, engineer came before the Commission to seek final approval on the ongoing project at 1614 Central Ave. Mr. Costa stated that he submitted a color rendering of the exterior elevations and the floor plan. Chairman Dennis asked if the grey color

represented on the elevations will be the actual colors used. Mr. Griner stated yes, it will be a similar gray to what is represented.

Chairman Dennis asked Engineer Laberge if there are any further items open regarding the site plan. Engineer Laberge stated no, all the required changes have been made. Engineer Laberge stated that a DOT work permit is required, and the applicant will need to submit proof of the permit before they are able to obtain their building permit. Commissioner Hart asked what will be done with the pit in the middle. Mr. Griner stated that they will likely use it as storage and they can close it up based on building code, if required by the building department. Commissioner Hart asked what company is purchasing the property. Mr. Griner stated Griner Real Estate LLC will purchase the property and Men's Inc will lease the building.

Commissioner Hart made a motion to approve Griner Real Estate LLC for a change of ownership at 1614 Central Ave. Commissioner Judge seconded the motion.

VOTE: Unanimous to approve the change of ownership as presented.

Commissioner Hart made a motion to approve the site plan amendment at 1614 Central Ave with the condition the exterior façade is as submitted on the 12/13/19 elevation plan; if changes are to be made, the applicant will reappear before the Commission. A building permit is not to be issued until a NYS DOT highway work permit is obtained. Commissioner Judge seconded the motion.

VOTE: Unanimous to approve the site plan amendment as presented.

Commissioner Hart made a motion to approve Men's Inc at 1614 Central Ave for a change of occupancy. Commissioner Judge seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICANT:

**12A WOLF ROAD
VERIZON WIRELESS
(TELECOMMUNICATIONS)**

Mr. Alan Hinrey, network and building consultant for Verizon came before the Commission to seek approval for a swap out and additional telecommunications antennas on an existing tower. Mr. Hinrey stated that Verizon is proposing to remove 6 antennas and replace them with 9, for a total of 12 antennas on the existing tower. Engineer Laberge asked if the height of the unit will increase from its existing size. Mr. Hinrey stated no, the height will remain the same.

Commissioner Judge asked if the site is visited more than once per year as indicated in the submitted materials. Mr. Hinrey stated that the tower owner, American Tower Corp, visits periodically as needed for maintenance or repairs. Attorney DeCotis asked who does the Village contact in the event something breaks. Mr. Hinrey stated that there is a fence around the tower with an emergency contact phone number. Mr. Hinrey explained that American Tower Corp owns the tower and rents to Verizon Wireless.

Commissioner Hart made a motion to approve American Tower Corp at 12 A Wolf Road amended site plan pursuant to Village of Colonie Code section 212-13. Commissioner Judge seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICANT:

**1662 CENTRAL AVE
CENTRAL MED URGENT CARE
(CHANGE OF OCCUPANCY & CHANGE OF OWNERSHIP)**

Mr. Ben Goes, attorney for the applicants was present before the Commission to seek approval for a change of occupancy and change of ownership for 1662 Central Ave. Mr. Goes explained that the building is formerly Newton Medical Urgent Care and his clients are under contract to purchase the building. The building is split into 2 tenant spaces, one being a dental office which occupies 2700 square feet in the rear of the building and his clients would take the remaining 4200 square feet. Mr. Goes' clients will lease the space to Central Med Urgent Care. The hours of operation will be Monday – Sunday 9am – 6 pm and will employ 11 people. Those 11 people will work any given shift. Mr. Goes stated the owner of the building will operate as 1661 Central Ave LLC.

Commissioner Hart asked if there will be any changes to the landscaping or parking lot. Mr. Goes stated no. Commissioner Judge asked if drugs will be dispensed at this location. Mr. Goes stated that the doctors will prescribe medication but there will not be a pharmacy on premise. The urgent care will however have an x-ray machine but anything more urgent, an ambulance will be called.

Commissioner Hart made a motion to approve a change of ownership for 1662 Central Ave LLC at 1662 Central Ave. Commissioner Judge seconded the motion.

VOTE: Unanimous to accept the change of ownership as presented.

Commissioner Hart made a motion to approve a change of occupancy for Central Med Urgent. Commissioner Judge seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICANT:

**6 HAWLEY AVE
MID-HUDSON BLACKTOP MAINTENANCE
(CHANGE OF OCCUPANCY & CHANGE OF OWNERSHIP)**

Mr. Shaun Ryba, proposed property and business owner was before the Commission to present a change of ownership and occupancy for 6 Hawley Ave. Mr. Ryba stated that he owns a seal coating company called Mid-Hudson Blacktop Company and is under contract to purchase the property at 6 Hawley. Mr. Ryba stated that he is looking to utilize the garage and property similar to the current owner, Ron Coy, and park his trailers in the drive way and store tools in the shed. My. Ryba explained that he gets his seal coating materials over on Railroad Ave but lives in Amsterdam, so he is looking for a closer location to keep his materials and trailers.

Chairman Dennis stated that the application shows the addition of gravel along side the garage. Mr. Ryba stated that he would like to lay gravel to make it easier to get the trailers in and out. Chairman Dennis stated that the submitted site plan, which is the last stamped approved site plan for this site does not show gravel. Unless the applicant wishes to apply to amend the site plan, the site must exist as approved. Attorney Caponera stated that he believed the property received a variance from when Steve Heider owned the property. Attorney Caponera reviewed the ZBA file and found a decision and variance dated 9/11/07 for the required 25 foot buffer along the residential side of the building. The variance also allowed for the construction of the building.

Attorney Caponera asked if the garage looks like the provided picture in the ZBA file. Mr. Coy stated no, Mr. Heider proposed a new façade for the garage but never completed it. Mr. Coy stated that he reframed the overhead doors and added a man door; the garage is a three car garage but only has one overhead door, one man door and a window in the loft area for light. Chairman Dennis stated that the application materials included a sketch of the garage and asked if it accurately represented the existing condition. Mr. Coy stated yes. Attorney Caponera stated that there was much discussion regarding the number of vehicles with the neighbors at the ZBA meeting.

Mr. Coy stated that he was given approval to store two trailers and one vehicle on the property. Mr. Ryba stated that he is requesting to have two seal coating trailers and one dump trailer. Chairman Dennis asked if the trailers can be parked inside the building. Mr. Ryba stated no, there are shelving and a loft that make it too narrow. Attorney DeCotis asked where the applicant plans to park the vehicles. Mr. Ryba stated in the driveway in front of the overhead doors.

Engineer Laberge asked if there will be an odor from the equipment. Mr. Ryba stated that he cannot answer that question with a definite yes or no answer. Engineer Laberge asked if the trailers will be stored empty or full. Mr. Ryba explained that he will pick up the trailers each morning and take them to be filled and depending on the jobs the trailers may or not be empty. Commissioner Judge asked if Mr. Ryba will be doing blacktop. Mr. Ryba stated that he may do some patch work but will mainly be doing seal coating. Commissioner Judge asked if he will be doing any striping. Mr. Ryba stated that he does have the machine to stripe however he will not be doing that at this location. Commissioner Judge stated that if he stores paint on the property that an SDS sheet will be required to be filed with the Village. Commissioner Splonskowski asked if the tar is flammable. Mr. Ryba stated no, the materials are all water based and does not need an SDS for his materials.

Attorney Caponera read aloud the Planning Commission minutes dated 10/19/10 in which Mr. Coy was originally approved to operate his business.

Commissioner Chudzinski asked if any materials or trailers will be stored in the backyard. Mr. Ryba stated that he was thinking of storing the trailers during the winter months. Chairman Dennis explained that storing anything in the backyard would require an amendment of the site plan due to changing the green space.

A discussion was held amongst the Commissioners regarding the number of trailers and vehicles allowed in the driveway. The Commission discussed allowing all three trailers to be parked in

the driveway as proposed. Attorney Caponera stated that commercial vehicles are not allowed to park on residential streets. Mr. Coy stated that the driveway is wide enough for three vehicles or trailers. Attorney Caponera asked what kind of truck he drives to haul these trailers. Mr. Ryba stated he drives a Dodge Ram, which is a full sized vehicle.

Commissioner Chudzinski made a motion to approve Shaun Ryba for a change of ownership at 6 Hawley Ave with the condition that no more than 3 full sized vehicles or trailers be store in the driveway and trailers are not to exceed 20 feet in length. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the change of ownership.

Commissioner Chudzinski made a motion to approve Mid-Hudson Blacktop Maint. For a change of occupancy with the condition that no more than 3 full sized pick up vehicles or trailers, not exceeding 20 feet in length, to be stored in the driveway. Commissioner Judge seconded the motion.

VOTE: Unanimous to approve Mid-Hudson Blacktop Maint. for a change of occupancy.

APPLICANT:

**1770 CENTRAL AVE
COCOP'Z SALONTIQUE
(CHANGE OF OCCUPANCY)**

Ms. Chanel Pearson and Ms. Patrazia Napolitano, owners of CocoP'z Salontique came before the Commission to seek approve for a change of occupancy. The property owner is not present at this meeting. Ms. Pearson stated that this tenant space was previously a salon and has been vacant for about 4 years. Ms. Pearson explained they are proposing to open another salon and will only be painting and doing some cosmetic changes inside the salon. Ms. Pearson stated that this salon will offer wellness and cosmetic enhancements such as nails, hair services, barbering, maxing and spa services. Chairman Dennis asked how many stations the previous salon had. Ms. Pearson stated they had 9 stations and they plan on using the existing stations as there are existing electrical and sinks. Ms. Pearson stated that there will be 2 pedicure stations, an esthetician's room and 7 styling stations, for a total of 10. Mr. Pearson stated that they will offer spa services in the esthetician's room such as body treatments, waxing and facials. They will employ 7 people. Ms. Pearson stated that the landlord will have two parking spaces in the rear for employees and the rest will be parked in the front lot.

Chairman Dennis stated that there is no change to the parking lot, and it is the Commissions authority to waive the quantity requirement for multi-tenant buildings like this one. Chairman Dennis asked the applicant when they plan to open for business. Ms. Pearson stated they are hoping for March 1st.

Commissioner Judge made a motion to approve CocoP'z Salontique at 1770 Central Ave Space #1 for a change of occupancy with the condition that the tenant parking requirement depicting the required parking vs. tenant needs, be resubmitted by the property owner. Commissioner Keegan seconded the motion.

VOTE: Unanimous to approve the application as presented.

APPLICANT:

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

Attorney Caponera recused himself from this application. Attorney DeCotis entered the meeting as counsel.

Mr. Bill Mafrici from Hershberg and Hershberg was present before the Commission to provide updates to the ongoing proposed new car dealership at 350 New Karner Road. Mr. Hershberg presented a site plan dated 1/7/2020 and stated the parking circulation is the same and Engineer Laberge's comment letter dated 1/17/2020 was received and not all comments are addressed on this plan. Mr. Mafrici stated many comments were technical in nature. Engineer Laberge reviewed his comment letter dated 1/17/20 and commented on the following:

- Stormwater management
- Proposed water main connection in the back of CarMax needs an easement and that easement needs to be submitted to the Village Attorney for review and approval
- Unable to contact CarMax regarding the easement, the project will not be held up due to that
- Testing and disinfection of the waterline will be needed
- Lighting plan has a conflict – lights are located on the easement and should be replaced

Engineer Laberge advised the Commission that they may grant a conditional approval for this project with the following conditions:

1. Village Attorney must approve the easements
2. Applicant must obtain the following permits: NYS DOT work permit, Albany County Health permit, County approval for a cross easement
3. Site plan modification for the water main for public inspection
4. Set up an observation escrow
5. MS4/Stormwater maintenance agreement to be executed and signed

Chairman Dennis stated that he did not see the wing gutters on this site plan and would like those added per Commission comments at the last meeting. Chairman Dennis stated that the Commission has reviewed this site plan several times and he sees no problem with the conditional approval at this time. Chairman Dennis asked that the conditions for the approval be identified in Engineer Laberges 1/17/20 letter.

Commissioner Chudzinski made a motion to approve the EAF based on the information provided this action should have no significant environmental impact. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the EAF.

Commissioner Hart made a motion to approve the site plan with the following conditions:

- a. Letters A – E as explained in Engineer Laberge's letter dated 1/17/20

- b. Addition and installation of wing gutters located in front of New Karner Road
- c. Relocation of light poles out of the Village of Colonie easement
- d. Albany County approval for the drainage easement.
- e. No building permit shall be issued until all conditions are met

Commissioner Chudzinski seconded the motion.

VOTE: Unanimous to approve the application as conditioned.

DISCUSSION:

Engineer Laberge provided an updated site plan for the proposed Goldstein Storage. Engineer Laberge stated that he met with Chairman Dennis, Colonie Fire Chief Jeff Kayser and Code Enforcement Officer Cerone regarding emergency apparatus access and building codes for this site and Goldstein has submitted a revised plan based off of those comments. The Commission reviewed the provided proposal which included a seconded access on the east side of the building to be right out only. Mr. Cerone stated that the drive aisle needs to be 26 feet per building code, not the proposed 20 feet. Engineer Laberge will relay any comments back to the applicant.

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

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

Respectfully Submitted,

Alexandra M. Hart
Planning Coordinator
Village of Colonie