



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

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**MINUTES  
TUESDAY, MARCH 3, 2020  
6:30 P.M.**

The regularly scheduled meeting of the Village of Colonie Planning Commission was held on Tuesday, March 3, 2020.

- ROLL CALL: Chairman Chris Dennis
- Commissioners: John Martin  
Ann Krause (Absent)  
Peter Chudzinski  
Kenny Hart  
Dan Judge  
Jim Splonskowski (absent)  
Mark Keegan,
- Village Attorney: Victor Caponera
- Village Engineer: R.J. Laberge
- Code Enforcement: Randy Rivera

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 the February 18, 2020 meeting. Commissioner Martin made a motion to approve the minutes as amended. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve February 18, 2020 minutes as amended.

**APPLICANT: 1770 CENTRAL AVE  
DRAPER DEVELOPMENT LLC d/b/a SUBWAY  
(CHANGE OF OCCUPANCY)**

Mr. Adam Leonardo, representing Rosetti Development, Mr. Larry Jasenski and Spencer Lanning, both of Draper Development came before the Commission to seek a change of occupancy. Mr. Jasenski stated that he currently operates the Subway shop at 1767 Central Ave and is looking to move across the street to 1770 Central Ave.

Attorney Caponera stated that for the change of occupancy, depiction of the parking on the application is informational only and any action taken by any Planning Commission action approving the change of occupancy should not be construed as ratifying the parking spaces as ratifying the parking spaces as depicted on the site plan.

Chairman Dennis asked where this tenant is located as it is not indicated on the provided site plan. Mr. Leonardo stated that the tenant will be occupying the old Verizon tenant space. Mr. Leonardo added that Verizon still occupies the back tenant space for offices. Chairman Dennis asked what the proposed hours of operation are. Mr. Jasenski stated that they will operate from 9am to 10 pm 7 days a week, which is standard operation currently at 1767 Central Ave. Commissioner Hart asked if this Subway location offers breakfast, which usually begins at 7 am. Mr. Jasenski stated that they will be offering breakfast but beginning at 9 am.

Commissioner Martin asked how many customers per day they expect. Mr. Jasenski stated that they see about 150 average customers per day, peak time during lunch hours, which is based upon current business operations at 1767 Central Ave. Mr. Jasenski stated that they are looking to relocate because of the difficulty in accessing their current site for customers entering and exiting from Central Ave. Mr. Jasenski stated that he has another location in East Greenbush that has double the business and has a little difficulty parking with 19 parking spaces; he believes that moving to 1770 Central Ave will increase his number of customers but will not interfere with the current parking situation with other tenants.

Commissioner Keegan asked if Subway will also use the new trash compactors in the rear of the building. Mr. Leonardo stated yes, they will utilize the trash compactors and he hopes that the compactors will be installed by the end of the month. Chairman Dennis asked Mr. Jasenski when they intended to open. Mr. Jasenski stated that it will take about 6-8 weeks once the building permit is issued, so they are hoping by the beginning May to be open. Commissioner Chudzinski asked if a grease trap will be required for this business. Mr. Leonardo stated that the grease trap information will be submitted with the building permit application, but it is proposed to be an under the counter grease trap. Mr. Jasenski stated that is what they currently have now. Engineer Laberge stated that the Department of Public Works will review that information. Chairman Dennis stated that if the DPW determines something more than the under counter grease trap is required then the application will need to return to figure out the placement. The applicants agreed.

Commissioner Judge asked if Grubhub or other food delivery services will be offered at this location. Mr. Jasenski stated yes, but those delivery services are just like normal customers coming in and ordering. The store itself will not have its own delivery service, only third party services.

Commissioner Hart stated that the application form states that the tenant is Draper Development, not Subway as discussed. Commissioner Hart asked if the tenant is Subway or Draper Development. Mr. Jasenski stated that his business, Draper Development LLC, has a franchise agreement with Subway. Attorney Caponera asked for clarification on who is the franchisor. Mr. Jasenski stated that his company, whom he owns with a business partner, is the franchisee with Subway. Attorney Caponera asked that the applicant clarify that on the application form as a "doing business as." Mr. Jasenski amended the application form showing Draper Development LLC d/b/a Subway.

Commissioner Martin made a motion to approve Draper Development LLC d/b/a Subway to go in the old Verizon tenant space, for a change of occupancy. Commissioner Chudzinski seconded the motion.

VOTE: Unanimous to approve the application as amended.

**APPLICANT:**

**1761 CETRAL AVE  
GEICO  
SITE PLAN AMENDMENT**

Mr. Rick Schrade from Geico, and Mr. Dick Hoffman from Hoffman and Reilly came before the Commission to present signed and stamped site plans, elevations and landscaping to the Commission. Mr. Schrade presented the new soffit trim color, "repose gray." Mr. Schrade indicated that the trim of the building will be the repose gray, the roof will be replaced in kind and the brown/bronze metal will remain the same. Mr. Schrade presented the site plan showing where he plans to remove and replace 3-4 trees. Mr. Schrade stated that the trees labeled "11" will be removed and replaced on the east side of the building with small pines. He also stated he will be removing a tree that has grown into a light pole and replacing it with a smaller spruce. Chairman Dennis asked where this tree is located. Mr. Schrade indicated on a picture and stated that this tree is on the border with 1 Poplar Street. Commissioner Martin noted that this tree is not on the site plan. Mr. Hoffman apologized as it seems as though that tree was overlooked. There was a question of whether or not the tree was needed to be replaced due to it eventually growing into the light again.

Commissioner Martin made a motion to approve the site plan amendment for 1761 Central Ave as presented. Commissioner Keegan seconded the motion.

VOTE: Unanimous to approve the application as presented.

**APPLICANT:**

**1553 CENTRAL AVE  
DELMONICO'S STEAKHOUSE  
(SITE PLAN AMENDMENT)**

Mr. Dave Kimmer from ABD Engineering, Dan Sanders, architect, Bill Wier and Jason Schewe from Delmonico's were present before the Commission to present a site plan amendment for the existing restaurant and site. Mr. Kimmer stated that the applicant is proposing to add a 200 sq. ft. vestibule on the front entrance of the building, add a 200-300 sq. ft. patio for extra seating for waiting guests. Mr. Kimmer indicated on the elevation plan the proposal to update the exterior façade and stated that all proposed changes will not increase the occupancy or change current business operations.

Engineer Laberge reviewed his comment letter dated February 20, 2020 which indicated the need for a variance due to the reduction of green space. Engineer Laberge explained that this site already has a variance for green space totaling 14.8 % and the proposed plan reduces green space to 14.2 % Chairman Dennis asked how the green space was calculated. Mr. Kimmer stated that it was based on paving and there is very minor changes to the green space due to the proposed vestibule's impervious surface. Mr. Kimmer explained that the vestibule is going to be over the existing walkway and adding impervious surface. Engineer Laberge explained that Village code does not consider impervious surfaces to be green space. Attorney Caponera stated that he understands the

proposal and that there are pavers to go in the areas that are considered green space, but the Planning Commission does not have the legal authority to waive the variance requirement.

Engineer Laberge stated that it has been observed that customers park in a non- designated parking spot near the Central Ave. Engineer Laberge stated that if that curb cut is eliminated and green space is added a variance may not be required. Chairman Dennis agreed with Engineer Laberge and added that it is often difficult to pass with cars in either direction. Engineer Laberge asked if there will be food and drink served in this new vestibule and patio space. Mr. Weir and Mr. Schewe stated no. Attorney Caponera asked Mr. Kimmer to explain the proposed patron circulation patterns with the proposed project. Mr. Kimmer explained that the first set of doors inside the restaurant will remain, but the addition will provide better airlock. The new vestibule area will have access on both sides for patrons coming in from Central Ave or the parking lot.

Chairman Dennis asked what the new elevations would look like. Mr. Sanders stated that the dining room windows will be changed out and the water table will be maintained. The brick on the front of the building will remain however there will be new EFIS with cut stone to enhance the look of the entrance. Mr. Sanders, referring to the site plan, showed the Commission the changes in the height of the parapet to cap increasing from the existing 16 feet to 19 feet. The height of the building will not change. Chairman Dennis asked if the height of the ceiling inside the restaurant would change. Mr. Sanders stated no.

Engineer Laberge stated that the total number of employees was not listed on the application, and it only stated the number of employees would not change. Engineer Laberge asked for the actual number of employees be included on the site plan application. Engineer Laberge added that the kitchen was not included on the floor plan. Commissioner Hart asked when deliveries would be made to the restaurant. Mr. Weir stated that deliveries are made during the day before the restaurant opens.

Chairman Dennis stated that if the applicant wishes to avoid the variance requirement, they should make the 900 sq. ft. correction for the green space, change the building height and include the façade and EFIS colors for another meeting.

Mr. Kimmer and the applicant agreed to go back and make changes to the proposed project and will return at a later date.

**APPLICATION:**

**1701 CENTRAL AVE  
1701 CENTRAL AVE ASSOC LLC  
(SITE PLAN AMENDMENT)**

Mr. Suresh Patel, owner, was present before the Commission to present proposed changes to his site at 1701 Central Ave and add two apartments above the existing Smith's Liquor store. Mr. Patel stated that he bought the property in 2005 and the office spaces above the store were existing. He stated that he wishes to convert the office space into two additional apartments. Mr. Patel added that the proposed changes are to the interior of the building only, he does not wish to do any exterior work at this time. Chairman Dennis stated that the parking requirement and green space calculations were not included on the site plan statistics. Chairman Dennis stated that the Village

code requirement for apartments is 2 parking spaces per apartment, therefore this site would need 8 spaces. Chairman Dennis stated that there seems to be adequate parking on this site for both the existing business and proposed apartments.

Chairman Dennis stated that this site does lack greenspace and added that the parking spaces along Killean Park are in the Village right of way. Engineer Laberge presented a mock site plan to show areas on the site where green space can be added without losing parking spaces. Engineer Laberge indicated on his proposed plan those areas of greenspace areas with included the two front corners of the site along Central Ave and in the rear along Killean Park. Chairman Dennis explained that there are 3 parking spaces on the side of the site where there is a fence to the rear parking lot and asked Mr. Patel is those spaces could be shifted over to make more room for the rear parking lot. If those spaces were shifted over, it could also make room for more green space. Chairman Dennis asked if the store can be accessed from the rear parking lot. Mr. Patel stated no, there is one main door and he keeps his stock in the rear of the building. The only access in and out of the store for patrons is the doors along Central Ave. Engineer Laberge asked Code Enforcement Office Rivera how many handicapped spaces would be needed for this site. Mr. Rivera stated that this site is pre-existing non-conforming and would need 1 or 2 handicapped spaces. Engineer Laberge noted that the apartments would likely require at least one spot for potential tenants. Attorney Caponera stated that under Village code section 242-8(c) the parking requirement is 1 space for every 150 sq. ft. of retail space and therefore the store requires 22 spaces. Attorney Caponera stated that the apartments would require 8 spaces for a total of 30 parking spaces required for the site. Mr. Patel explained that he downsized the store and now has 1100 sq. ft. available for another business.

Chairman Dennis stated that he would like to see the grading changes on the site. Chairman Dennis asked the Commission to visit this site and note where greenspace can be added. Mr. Patel stated that he is unsure if he will continue with the proposed project due to the potential cost and monetary return to implement the Commission's proposed changes, but thanked the Commission for their review and feedback.

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

VOTE: Unanimous to adjourn the meeting at 7:47 p.m.

Respectfully Submitted,

Alexandra M. Hart  
Planning Coordinator  
Village of Colonie