



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

VILLAGE HALL
2 THUNDER ROAD
COLONIE, NY 12205
(518) 869-7562
FAX (518) 464-0389
email:
ahart@colonievillage.org

**MINUTES
TUESDAY, JUNE 16, 2020
6:30 P.M.
VIA ZOOM VIDEO CONFERENCE**

The regularly scheduled meeting of the Village of Colonie Planning Commission was held on Tuesday, June 16, 2020 via Zoom teleconference.

ROLL CALL: Chairman Chris Dennis

Commissioners: John Martin
 Peter Chudzinski
 Kenny Hart
 Dan Judge
 Jim Splonskowski
 Mark Keegan, alternate

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. Chairman Dennis stated that Chairman Keegan will have full voting powers for this meeting. The Commission reviewed the minutes from the May 19, 2020 public hearing. Commissioner Martin made a motion to approve the public hearing minutes as amended. Commissioner Keegan seconded the motion.

VOTE: Unanimous to approve the May 19, 2020 public hearing minutes as amended.

The Commissioners reviewed the minutes from the May 19, 2020 regular meeting. Commissioner Martin made a motion to approve the minutes as amended. Commissioner Judge seconded the motion.

VOTE: Unanimous to approve the May 19, 2020 regular meeting minutes as amended.

APPLICANT:

**16A WOLF ROAD
CHENEGA IH LLC
(CHANGE OF OCCUPANCY)**

Mr. Bruce Steves, attorney, Mr. Chris Grey, regional manager and, Mr. Mike Vesely, director of architecture and design were present on the zoom call to present a change of occupancy for 16A Wolf Road, International House of Pancakes (IHOP). Mr. Steves stated that his client was before

the Commission on May 19, 2020 for a change of ownership for Chenega Restaurant LLC. While conducting research for the application it was learned that the applicant, Chenega IH, never applied or received approval for a change of tenant. Mr. Steves stated that Chenega IH took over the lease in 2018 as a subtenant, not a direct tenant. Mr. Steves apologized for any oversight. Chenega IH is not proposing any changes to the business operation, building or parcel at this time. Mr. Steves stated that this tenant operates 37 restaurants including 8 in New York and offers sit down family dining. IHOP has been operating at the 16A Wolf Rd location since 1970.

Attorney Caponera stated that question 21 of the change of occupancy application noted that there would be outside storage. Mr. Steves stated that upon completing the application it was thought that there was an outdoor cooler. Mr. Vesely confirmed that there is in fact no outdoor cooler and there will be no outside storage. Attorney Caponera asked that the answer be corrected on the application.

Commissioner Martin made a motion to approve Chenega IH LLC at 16A Wolf Road. Commissioner Hart seconded the motion.

VOTE: Chris Dennis Yes
John Martin Yes
Peter Chudzinski Yes
Kenny Hart Yes
Dan Judge Yes
Jim Splonskowski Yes
Mark Keegan Yes

Motion passes, application approved.

APPLICANT:

**1770 CENTRAL AVE
PLATO'S CLOSET
(CHANGE OF OCCUPANCY)**

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

Ms. Nia Cholakis, Attorney representing the property owner and Gary Spadaro from Plato's Closet were present on the zoom call to propose a change of occupancy at 1770 Central Ave. Ms. Cholakis stated that Plato's Closet is seeking a change of occupancy in a 3400 sq. ft. space that was previously occupied by Total Tan. Plato's Closet is retail use and is relocating their store from Albany to 1770 Central Ave.

Mr. Spadaro stated that he and his partner currently operate the franchise business at 18 Central Ave where they have been for 14 years. Mr. Spadaro stated that the franchise owner asked for a refresh of the store including a better location which is why they are moving to Central Ave near Wolf Rd. Mr. Spadaro explained that the business is a retail store that has gently used teen clothing that is buy/sell/trade. The Play it Again Sports retailer is also owned by the same company.

Commissioner Chudzinski asked if the dumpsters are still on the property. Ms. Cholakis stated that the property owner is currently working on getting the trash compactors installed and running before the dumpsters are removed from the property. Ms. Cholakis added that paving is to start Monday at the latest and the compactors are to be installed shortly thereafter. Ms. Cholakis stated that the compactor project should be complete by the end of June unless there is a delay. Commissioner Chudzinski asked if the mattresses and furniture that were piled near one of the dumpsters would be removed. Ms. Cholakis stated that she will speak to Mr. Adam Leonardo who usually represents the property owner and mentioned that they are in the process to remove all the dumpsters in coordination with the installation of the compactors.

Commissioner Splonskowski stated that the hours of operation are misprinted on the change of occupancy application. Mr. Spadaro stated that the hours of operation would be 12 p.m. – 6 p.m. on Sunday not 12 am – 6 pm as typed on the application. Commissioner Keegan asked Mr. Spadaro to elaborate on how this business works. Mr. Spadaro stated that clothing comes in and the employee will sort through the items to look at the condition and then input the items into the computer system based on the size, year, and brand. The computer system generates the price per item. Mr. Spadaro stated that if the clothing is not in good condition the customer has the choice of taking the items back or donating them. Mr. Spadaro explained that any clothing donated goes to the Albany and Schenectady City Missions and items get picked up every morning.

Commissioner Judge asked if people can drop off clothing at the door similar to the Salvation Army clothing boxes. Mr. Spadaro stated that people have never just dropped off bags of clothing because customers are primarily looking to sell their clothes. Plato's Closet only accepts laundered clothing in good shape and the same goes for the items to be donated as well. Mr. Spadaro mentioned that the clothing is also donated to local high schools like Mohonasan for their anchor rooms.

Commissioner Hart asked if there will be any side-walk sales or outdoor storage. Mr. Spadaro stated that he has asked the landlord for permission especially during Covid-19 however Plato's only has about 3 side walk sales per year for 1 day only and added that the business is focusing on social media sales. Ms. Cholakis stated that this tenant space is not in the middle of the building and is off to the side. She explained that the tenant has been told that they cannot obstruct the side walk and can only have 1 or 2 racks.

Chairman Dennis stated that he would like to see a condition on the motion to approve to state the property owner must come back in front of the Commission if the dumpsters are not removed by the next meeting, July 7th. Ms. Cholakis stated that the property owner has no problem coming back but does not feel the condition is appropriate to attach to Plato's Closet's change of occupancy.

Commissioner Chudzinski made a motion to approve a change of occupancy for Plato's Closet at the former Total Tan space with the condition that the property owner remove the dumpsters and install the trash compactors by July 7th. If the project is not completed by July 7th then the property owner will have to return to the Planning Commission. Ms. Cholakis stated she will provide notice to the Village upon completion. Commissioner Hart seconded the motion.

VOTE: Chris Dennis Yes
John Martin Yes
Peter Chudzinski Yes
Kenny Hart Yes
Dan Judge Yes
Jim Splonskowski Yes
Mark Keegan Yes

Motion passes, application approved.

APPLICANT:

**18 WALKER WAY 3C
MOTIVATED AUTO DETAILING
(CHANGE OF OCCUPANCY)**

Mr. Joe Clark, managing property owner and Mr. Charles MacFawn, owner of Motived Auto Detailing was on the zoom call to present a change of occupancy at 18 Walker Way section 3C. Mr. Clark stated that Mr. MacFawn is proposing to occupy 1500 sq. ft.in the same building as Pharma Labs and Contrast Analytical. Mr. MacFawn stated that he details cars and was detailing them out of his parent's house on Myers Court.

Mr. MacFawn stated that he will drive the cars to Hoffman's Car Wash and then drive back to 18 Walker to detail the interior. Mr. MacFawn explained that he uses steam and biodegradable products and has a containment mat to soak up any spills. Mr. MacFawn stated that everything is contained inside the vehicle and each vehicle will be detailed in the building, there will be no outside storage. Commissioner Martin asked what the hours of operation are. Mr. MacFawn stated he will be open Monday – Friday from 9am to 5pm with no weekends. Commissioner Hart asked why he is not washing the vehicles himself. Mr. MacFawn stated that all the exterior car washes will be done at Hoffman's Car Wash at 1757 Central Ave because the floor drains are not functional inside the tenant space.

Commissioner Chudzinski asked if customers drop off their cars and wait on premise. Mr. MacFawn stated that he will only detail one car at a time which takes about 5-6 hours per car and will be by appointment only. Customers will drop off and pick up their cars, there will be no waiting on site. Commissioner Splonskowski stated that the floor plan shows one bathroom for two tenant spaces. Mr. Clark stated that there is another bathroom at the end of the hallway that is not shown on the provided site plan. Mr. Clark added that there is a common front door and vestibule but sperate doors to each tenant space. Commissioner Judge asked if the applicant will be painting cars as well. Mr. MacFawn stated no.

Commissioner Hart asked what the containment mat was. Mr. MacFawn stated that the mat is there to catch any spillage from the Windex or other cleaners used. Anything caught on the mat will be cleaned up by a shop vac and disposed of in the garbage that he brings home. Commissioner Splonskowski asked where Mr. MacFawn lived. Mr. MacFawn stated that he lives in the Village on Broderick Street. Commissioner Splonskowski stated that it is not allowed to dispose of commercial garbage in the residential area. Commissioner Hart asked if there was an issue obtaining a commercial refuse contract at 18 Walker Way. Mr. Clark stated that there is a dumpster on the site for the other tenant and can give Mr. MacFawn number to County Waste.

Chairman Dennis stated that there are a few issues with the site itself. Chairman Dennis stated that Upstate Properties is a mess and has a cut through to 3 Fritz Blvd. Several Commission members have walked the site and notices big water or fluid tanks and a tanker truck on site. Mr. Clark stated that everything is supposed to be stored in the fenced in area and that the plows were picked up this week. Mr. Clark stated that it is ok for Village Code Enforcement to write order to remedy orders to the tenant. Chairman Dennis stated that the site is a mess and the site plan is incorrect. The site plan is showing parking spaces that are not there on 18 Walker Way. Mr. Clark stated that he will fix these issues. Commissioner Judge stated that there is a storm drain on the site and the blacktop is eroding away and suggested that it be repaired. Mr. Cerone stated that he has spoken to Howard Group as they are the managing company for the industrial park. Mr. Cerone explained that he has spoken to both Howard Group and Mr. Clark about this property and that the responsibility of the site and tenants are on the property owner, not the tenant so any orders to remedy will be given to Mr. Clark or Howard Group. Mr. Clark stated that he will go over and talk to the tenant. Mr. Clark stated that he is the real estate agent for the properties and Howard Group is the manager. Attorney Caponera asked Mr. Clark who the legal owner of the property is. Mr. Clark stated that it is Clark Industrial Park LLC in which he owns 25%. Attorney Caponera stated that any future orders to remedy issued by the building department would be addressed to Mr. Clark.

Commissioner Martin made a motion to approve Motivated Auto Detailing at 18 Walker Way 3C with the condition that all garbage be maintained and collected on site and the hours of operation are 9am – 5 pm Monday through Friday and closed on weekends. Commissioner Hart seconded the motion.

VOTE: Chris Dennis Yes
John Martin Yes
Peter Chudzinski Yes
Kenny Hart Yes
Dan Judge Yes
Jim Splonskowski Yes
Mark Keegan Yes

Motion passes, application approved.

DISCUSSION:

The Commission discussed the ongoing Goldstein Storage application at 1653 Central Ave. Commissioner Dennis stated that several members of the Commission met and walked the site together and noticed that there is not enough room between the houses on Locust Park and the proposed building. There is currently a 24' wide berm with trees buffering the residential area at the rear of the property. Engineer Laberge requested that the applicant verify who owns the trees and that the applicant submitted a landscaping plan which also proposes the building shifting 18 feet away from Locust Park neighbors and increasing the buffer area to 28 feet. Chairman Dennis suggested that the handicap parking space, currently shown in front of the building be moved to the side where the door is. Chairman Dennis and Engineer Laberge also discussed landscaping and the banked parking along the Locust Park side of the building to increase the buffer.

Commissioner Martin noted that there were some changes to the landscaping and some trees were removed. He would like to see a larger plan and would like to see who owns the trees along Locust Park. Commissioner Martin stated he would also like to see a smaller building. Commissioner Judge stated that he would like to see a smaller building with two stories and the building itself moved back. Commissioner Chudzinski asked if the applicant is proposing a fence. Engineer Laberge stated the Goldstein is proposing to replace the existing fencing starting at 4 Locust Park.

The Commission discussed the subdivision public hearing which was closed on May 19th. The Commission has 62 days to make a decision which ends on Monday, July 20th. Chairman Dennis stated that the SEQR also needs approval which can be done without the submittal of final plans. Engineer Laberge stated that the SEQR decision will be for the subdivision and both sites.

Coordinator Hart mentioned that the Village will likely be opening to the public in July and hopes that the July 7th meeting will be in person at Village Hall.

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

VOTE: Unanimous to adjourn the meeting at 8:23 p.m.

Respectfully Submitted,

Alexandra M. Hart
Planning Coordinator
Village of Colonie