



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

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**MINUTES  
TUESDAY, AUGUST 18, 2020  
6:30 P.M.**

The regularly scheduled meeting of the Village of Colonie Planning Commission was held on Tuesday, August 18, 2020 at the Village Hall, 2 Thunder Road Albany, NY 12205.

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 appointed Mr. Keegan as a full voting member for this meeting. The Commission reviewed the minutes from the August 4, 2020 public hearing. Commissioner Martin made a motion to approve the public hearing minutes as amended. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the August 4, 2020 public hearing minutes as amended.

The Commission reviewed the regular meeting minutes from August 4, 2020. Commissioner Martin made a motion to approve the minutes as amended. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the regular meeting minutes as amended.

**APPLICATION:**

**1526 CENTRAL AVE  
GREEN'S CATERING & MEAT MARKET**

Mr. Zaigham Bokhari, owner was present before the Commission to present an updated site plan which included the proposed grease traps. Mr. Bokhari stated that all requirements set by the Village DPW and changes discussed with the Commission has been made. Engineer Laberge reviewed his comment letter dated 7/15/20 and stated that the grease trap detail, venting, and piped slopes have all been completed. Engineer Laberge stated that the applicant is proposing duct work

on the outside of the building for the kitchen exhaust. The duct work would be installed in the rear and rear westerly corner of the building.

Chairman Dennis stated that at the last site plan amendment for this site, it was left to the neighbor and the applicant to come to an agreement for fencing or landscaping for the buffer zone. Mr. Bokhari stated that the neighbor has a garden in that location and asked that nothing be placed along the rear of the buffer. Chairman Dennis asked if an EAF assessment is required. Engineer Laberge stated that this is a type two action and does not require any action.

Commissioner Hart asked if the condenser as shown on the site plan encroaches on the side yard setback. Mr. Cerone stated that the condenser does not count as part of the building envelope and therefore does not encroach on the side yard setback. Commissioner Splonskowski asked where the intake pumps for the exhaust are located. Mr. Cerone stated that the intake information will be reviewed during the permitting process by the building department.

Commissioner Hart asked what the hours of operation will be. Mr. Bokhari stated that he will be open 10 am – 9 pm 7 days a week. Commissioner Hart requested a cut sheet be provided showing the decibel level for the exhaust fan. Mr. Bokhari stated yes. Attorney Caponera cited Village Code sections 242-8F(1) and 152-5 “Unreasonable Noise Prohibition” which stated the allowable decibel levels in the Commercial A zone.

Chairman Dennis asked if there will be seating inside the market. Mr. Bokhari stated no. Commissioner Martin made a motion to approve Green’s Catering and Meat Market at 1526 Central Ave with the condition that the applicant complies with the Village code sections 242-8F(1) and 152-5 prior to issuance of a certificate of occupancy by the building department. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the application as presented.

**APPLICANT:**

**1755 CENTRAL AVE  
HOFFMAN’S CAR WASH  
(SITE PLAN)**

Mr. Frank Palumbo from C.T. Male Associates and Mr. Marty Andrews from Hoffman’s were present before the Commission to present a site plan amendment to the existing car wash operation at 1755 Central Ave. Mr. Palumbo stated that Hoffman’s is looking to add automatic tellers to increase capacity and allow for quicker service. Mr. Palumbo stated that this project has been thought about since pre-Covid to eliminate back-up on the site and onto Central Ave. Hoffman’s is seeing an increase of customers that have pre-paid cards or scanners.

Mr. Palumbo indicated on the site plan the area where they are proposing to install the auto pay stations and stated that the area is already paved. The proposal indicated two drive lanes with 9 ft. wide drive aisles. Mr. Palumbo explained that the auto-pay stations will be for wash bays only, not the full service wash. Customers will use the auto-pay station, drive into tunnel, and exit onto Central Ave, all without encountering an employee, unless assistance is required. Mr. Palumbo stated that this proposed operation will be like the current operations at the East Greenbush location.

Engineer Laberge reviewed his comment letter dated August 17, 2020. Engineer Laberge explained that a use variance will be required due to this area of the parcel being in the buffer to the residential zoned area. Engineer Laberge further explained that the rear parcel is a land-locked parcel, fully in the residential area which is where the existing pavement is located. Mr. Palumbo stated that the movement of vehicles and the business use are all within the Commercial A envelope. Mr. Palumbo stated that the 25ft setback by the pay stations is indicated in purple on the provided site plan and stated that the pavement does encroach on the residential area. Mr. Palumbo reiterated that the cars will be in a 9 ft drive aisle and will be several feet from the edge of the commercial and residential zone boundary. Mr. Andrews stated that the pavement was extended after several trees were removed due to storm damage. Mr. Andrews explained that this project is low impact and there is fencing along the border of both zones and stated that the parcel to the rear is land locked and cannot be utilized for anything. Engineer Laberge stated that the operation can work within the ordinance and remove the pavement thereby returning the site to compliance or request a variance through the ZBA. .

Mr. Andrews explained that the car wash has been operating at this location for over 35 years. He has been notified by Colonie Police several times about cars backing up onto Central Ave so they are trying to find a way to improve efficiency and traffic flow.

Attorney Caponera asked the applicant to clarify whether the new proposed drive lanes located at the bottom of the site plan were new or old. Mr. Palumbo stated that they have been there. Attorney Caponera asked if the paved area in the rear is new or has been there. Mr. Palumbo stated that it has been there. Attorney Caponera stated that he will need to determine whether the site is a pre-existing non-conforming use or if the proposal changes the configuration. Attorney Caponera stated that if the site is to be found pre-existing non-conforming then a variance may be not required. Attorney Caponera explained that if the site was modified after site plan approval then the use could be considered illegal.

Mr. Palumbo asked if the company owns the residential lot in the rear and added a driveway for access, would site plan approval be necessary. Engineer Laberge stated yes but commercial A and Residential A are different zones, and each have different allowable uses. Mr. Palumbo stated that the lot is considered a hardship and is unused land. Engineer Laberge suggested bringing the site plan into compliance. Attorney Caponera stated that he will look at the approve site plans and application to determine the compliance and conformance of this property.

**APPLICANT:**

**1704 CENTRAL AVE  
FADE & BEARD BARBER STORE  
(CHANGE OF OCCUPANCY)**

Mr. Thomas Grisby, owner of Fade & Beard was present before the Commission to present a change of occupancy at 1704 Central Ave, formerly Vapor Geekz. Mr. Grisby stated that he opened his barber store July 1<sup>st</sup> and was unaware of the approval process required by the Village. He was notified by code enforcement and has since submitted the proper application to appear tonight. Mr. Grisby stated that he is the owner and only employee currently. He stated that he has 4 barbering stations and was told that he would need 4 parking spots per barber station. Commissioner Martin explained that it is 1 parking spot for the employee and 3 for customers. MR. Grisby asked if there

was any differentiation between salons and barber shops for the parking requirements. Engineer Laberge stated no, but the code does specifically identify both barber shops and salons.

Chairman Dennis asked how many parking spots there are on site. Mr. Grisby stated that there are 3 parking spots in front of the building, 1 handicap and 2 regular parking spots. Mr. Grisby explained that in his lease, he is authorized to use 8 parking spaces in the rear of the property which is considered part of 1702 Central Ave. Chairman Dennis stated that currently, the applicant is in compliance to have one workstation unless the landlord can provide documentation addressing the additional parking spots in the rear. Chairman Dennis explained that the applicant can either be approved for one work station only and then come back with additional information from the landlord or the commission can hold any decisions until the more information is provided. Chairman Dennis stated that he would like to see, in writing, that the landlord authorizes the applicant to use enough parking spaces to satisfy the parking requirement for 4 workstations. Mr. Grisby agreed. Commissioner Hart stated he would like some clarification from the landlord regarding several Terminix trucks parked in the rear of the building.

Chairman Dennis stated that he would like the additional information provided; the lease agreement describing the allotted parking spaces, site plan showing 1702 and 1704 Central Ave, and an updated narrative.

Commissioner Hart stated that the provided floor plan did not indicate where the work stations will be located. Mr. Grisby indicated on the floor plan where the workstations are proposed to be located. Commissioner Hart asked that when the applicant re-appears before the Commission, that he provides a second floor floor plan. Mr. Grisby agreed and explained that the lease described that space as 800 sq. ft. of usable space with 200 sq. ft. of storage on the second floor. Mr. Grisby added that the second floor will not be utilized for any work stations. Commissioner Hart asked what the hours of operation will be. Mr. Grisby stated Monday – Saturday 9 am to 6pm. Commissioner Hart explained that the applicant may want to put down hours on Sunday should he choose to take clients in the future, otherwise an amendment to the application would be required. Mr. Grisby agreed.

Commissioner Martin made a motion to approve Fade & Beard Barber Store at 1704 Central Ave for 1 employee and 1 workstation. Commissioner Judge seconded the motion.

VOTE: Unanimous to approve the application. **APPLICANT:**  
**31 VLY ROAD**

**TSL ADVENTURES**  
**(CHANGE OF OCCUPANCY)**

Ms. Shameka Brown-Johnson, Lynette Smith and Nicole Topaltzas from TSL Adventures were present to seek a change of occupancy at 31 Vly Road. Ms. Brown-Johnson stated that TSL Adventures is an existing company that was contacted by the South Colonie School District to open a before and after school child care center. Ms. Brown-Johnson stated that the business will operate in the space for formerly Life Kids and will be operating within Capital Church. Ms. Smith stated that their business usually seeks out churches and contract them for childcare operations. Ms. Smith added that the children are school aged and range from pre-k to 5<sup>th</sup> grade.

Engineer Laberge asked how many students they will have. Ms. Smith stated that they will have about 50 children, but the actual number will be set by NYS Office of Children and Family Services. Ms. Topaltzas explained that there could be anywhere from 1 – 10 employees, depending on the number of children as NYSOCFS has strict guidelines on child to adult ratios. The children are dropped off and picked up by the school buses. Engineer Laberge stated that the site will be acceptable for parking especially since this operation does not coincide with church events. Ms. Smith stated that they only operate when the school operates, meaning they are closed on weekends, holidays, and snow days.

Chairman Dennis asked if the property owner is aware of this application. Ms. Smith stated yes and stated that Mr. Mazella signed the application, he is associated with Capital Church. Commissioner Martin asked if they operate at any other churches. Ms. Brown-Johnson stated yes, they are currently in Niskayuna and Guilderland. Commissioner Martin asked if there will be any changes to the facility inside or out. Ms. Brown-Johnson stated no. Commissioner Judge asked if any lunch or snacks will be provided. Ms. Smith stated that most children bring a snack for afterschool and they have some crackers for children who might be hungry, but otherwise no food service will be provided. Commissioner Hart asked which parts of the church TSL will be using. Ms. Smith stated they will be using the classrooms in the sublevel, sanctuary, and outdoor playground.

Commissioner Martin made a motion to approve TSL Adventures at 31 Vly Road. Commissioner Hart seconded the motion.

VOTE: Unanimously to approve application as presented.

**APPLICANT:**

**10 JUPITER LANE  
NYS OGS  
(CHANGE OF OCCUPANCY)**

Mr. Robert Manny, plant manager for DuraVent was present before the Commission to seek approval for a change of occupancy. Mr. Manny stated that NYS OGS and the property owner were supposed to be present tonight however he is the only one present. Mr. Manny states that he believes that all paperwork has been provide to the building department.

Mr. Cerone stated that he had a conference call last week with Attorney Caponera, a leasing agent for the property owner, and two representatives from NYS OGS. The discussion was productive, and all information discussed and requested at the August 4<sup>th</sup> Planning Commission meeting has been supplied. Chairman Dennis asked if the building will be placarded. Mr. Cerone explained that the placard will be considered after the fire inspection and certificate of occupancy issuance. The building department will decide if the placard is necessary and for what substances. Attorney Caponera stated that only reportable hazmat SDS sheets have been provided. OGS has provided a spreadsheet of materials and quantities and the numbers will fluctuate daily. Commissioner Hart asked if a letter on OGS letterhead has been provided to the Village acknowledging the substances within the building. Mr. Cerone stated a letter on letterhead was not specifically provided, however it was e-mailed directly from an authorized representative from OGS. Mr. Cerone added that a signed letter on company letterhead is not required for other applicants.

Commissioner Martin made a motion to approve NYS OGS for a change of occupancy at 10 Jupiter Lane. Commissioner Judge seconded the motion.

VOTE: Chris Dennis - YES  
John Martin - YES  
Peter Chudzinski -NO  
Kenny Hart - NO  
Dan Judge - YES  
Jim Splonskowski - YES  
Mark Keegan – YES

Motion passes and application is approved.

**DISCUSSION:**

The Commission discussed the subdivision application for 31 Vly Road. Engineer Laberge stated that the Commission cannot vote on the application until the Albany County Planning Board gives its recommendation . The original application submitted to the Village earlier this year included a multi lot subdivision of the rear parcel to be subdivided and has been reviewed by the ACPB and they have given their recommendation , however given that the current application is only for a two lot subdivision it will also be necessary for them to review this minor subdivision and give their recommendation to the Commission before it can act on the two lot subdivision .

Coordinator Hart notified the Commission that the September 15<sup>th</sup> meeting is cancelled due to the rescheduled Village Elections.

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

VOTE: Unanimous to adjourn the meeting at 8:13 p.m.

Respectfully Submitted,

Alexandra M. Hart  
Planning Coordinator  
Village of Colonie