



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

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**MINUTES
TUESDAY, OCTOBER 6, 2020
6:30 P.M.**

The regularly scheduled meeting of the Village of Colonie Planning Commission was held on Tuesday, October 6, 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

Acting Chairman Martin opened the meeting at 6:30 p.m. Commissioner Hart led the Pledge of Allegiance. Acting Chairman Martin appointed Mr. Keegan as a full voting member for this meeting.

The Commission reviewed the regular meeting minutes from September 1, 2020. Commissioner Hart made a motion to approve the minutes as amended. Commissioner Judge seconded the motion.

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

**APPLICANT: 29-31 VLY ROAD
CAPITAL CHURCH INC.
(MINOR 2-LOT SUBDIVISION DECISION)**

Acting Chairman Martin stated that there was a public hearing held on August 4, 2020 for a minor 2-lot subdivision of lands at 29-31 Vly Road. The applicant, Capital Church is looking to subdivide their existing 14 acre parcel into two, lot 1 being the existing church with some minor site plan changes and lot 2 is vacant land that extends to the elementary school. Acting Chairman Martin stated that the Commission is only voting on the minor 2 lot subdivision at this time. The subdivision of lot 2 will be addressed with a separate application at some time in the future and will require a separate public hearing.

Engineer Laberge stated that the Commission had 62 days to render a decision on the public hearing which expired October 5. The applicant has submitted a letter granting an extension of the decision to the end of this week (October 9th). Engineer Laberge stated that the Commission needs to make a SEQR determination before voting on the subdivision.

Acting Chairman Martin made a motion to approve SEQR as there is no adverse environment impacts for this application. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve SEQR.

Commissioner Hart made a motion to approve the minor two lot subdivision for 29-31 Vly Road as proposed. Commissioner Judge seconded the motion.

VOTE: Unanimous to approve the subdivision.

APPLICATION:

**1767 CENTRAL AVE
OTTO CADILLAC INC.
(SKETCH PLAN)**

Acting Chairman Martin relinquished the chair to Chairman Dennis, who entered the meeting. Mr. Dan Hershberg and Mr. Bill Mafrici from Hershberg and Hershberg were present before the Commission to present a sketch plan for 1767 Central Ave. Mr. Mafrici stated that the application is proposing a used car dealership with a sales office, no service will be performed. Mr. Mafrici explained that Otto Cadillac has purchased the property, but the business will not be an Otto Cadillac business, but a differently owned business. Mr. Mafrici stated that the existing two story commercial building will be demolished and replaced with parking. The site is one parcel and will not be merged with the existing Otto Cadillac site at 1769 Central Ave. Mr. Mafrici stated that there is a proposed cross access easement in place on the two sites. This cross access will be shown on any future site plan submittals. Mr. Mafrici explained some changes were made to the proposed site plan as recommended in Engineer Laberge's letter dated September 28, 2020.

Commissioner Hart asked if the residential building to the rear of the parcel will be removed. Mr. Hershberg stated no, the principle building with the Barber Shop and old Subway will be demolished and the residential building will be converted to sales offices. Mr. Hershberg stated that the demolished building will be replaced with a parking lot.

Mr. Mafrici stated that they took under consideration Engineer Laberge's comments about pushing the pavement back further from Central Ave. There will be a proposal for 10 feet of landscaped greenspace and 25 foot buffer to the residential area will be maintained. Commissioner Martin asked if there will be asphalt removed by the existing shed. Mr. Hershberg stated that there is no need for asphalt by the storage shed as it will only be used for storage. Added grass will increase the greenspace.

Commissioner Martin asked if a landscaping plan would be provided. Mr. Mafrici stated that this submission was conceptual only and a full site plan submittal will follow pending the Commissions

comments. Mr. Mafriqi stated the full plan set will include lighting and landscaping. Engineer Laberge stated that garbage removal should be notated on the next submittal.

Chairman Dennis stated that a change of ownership application should also be provided in the next submittal. The applicant will return with a formal submittal at a future date.

APPLICANT:

**1647 CENTRAL AVE
ARIA KABAB ALBANY INC.
(CHANGE OF OCCUPANCY)**

Mr. Ahmed Rahimi, owner and property owner Konstantinos Lambrakos were present before the Commission to seek approval for a change of occupancy at 1647 Central Ave. Mr. Rahimi stated that he currently owns two similar restaurants in New York City and is looking to relocate in Colonie, closer to family. Mr. Rahimi stated this restaurant will be Afghan Halal cuisine and will serve lunch and dinner. Mr. Rahimi explained that this use is the same as the prior tenant, Brazilian Steakhouse and does not propose any exterior or interior changes at this time.

Chairman Dennis stated that the floor plan shows 9 tables with two seats each. Mr. Rahimi stated that he proposed only 5 tables at this time but hopes if business is good, to add 4 more tables. Chairman Dennis explained to the applicant that there are only 13 parking spaces for this site and therefore only a certain number of seats are allowed per code. Mr. Rahimi stated that due to current circumstances, the business will mainly be takeout. Chairman Dennis stated that the maximum number of seats allowable by Village code is 31. Mr. Rahimi stated that he is only proposing 18 seats and does not wish to have more than that. Engineer Laberge stated that there are 13 parking spaces for the restaurant plus 2 for the house which totals 15 parking spaces for the site.

Commissioner Hart asked if he purchased the building. Mr. Rahimi stated no, he is leasing the building as well as the house next door and added that the house will not have anything to do with the restaurant business. Commissioner Hart asked if there will be any alcohol service. Mr. Rahimi stated no. Chairman Dennis stated that the site plan presented is based on a past tenant "Mia Lucci's and has notes regarding sale of alcohol. In addition, there is a fence missing on the side of the building to shield the dumpsters. Chairman Dennis stated that the site plan needs to be updated to reflect the new tenant, remove the note regarding sale of alcohol, and make the site compliant with the fence. Mr. Rahimi stated he understood and will return with the required changes. The applicant requested the ability to move in his equipment prior to approval but the Commission referred the applicant to the building department as that is not a Planning Commission decision.

APPLICANT:

**18 WALKER WAY
SUNSHIP LLC
(CHANGE OF OCCUPANCY)**

Sunship LLC owner, Chenhao Sun and property owner and real estate agent Joe Clark were present before the Commission to provide an updated site plan for 18 Walker Way. Mr. Sun stated that he was previously before the Commission to seek approval for a change of occupancy for his e-commerce business. Mr. Sun explained that he receives manufactured goods from China and ships them out on behalf of Amazon. Mr. Sun further explained that his was not approved at the last

meeting due to issues on the site itself; an updated site plan has been provided to the Commission for review.

Mr. Clark stated that there is cross access from this parcel to the next and both are owned by Clark Industrial Park. Chairman Dennis stated that he would like to see a cross access easement between both parcels. Chairman Dennis stated that the fence by the former SOS Auto tenant space is not on the site plan and asked that the fence be removed. Mr. Clark agreed to remove the fence.

Commissioner Hart stated that many of the issues on the site have been cleaned up however there are two vehicles that although there are license plates on the vehicles, the registration are a number of years out of date. These vehicles are parked in parking spots they should be removed from the site. Commissioner Judge stated that there is a storm drain that has a cone on it that needs to be repaired. Mr. Clark stated that there are several drains in the Industrial Park that are on scheduled to be repaired, including this one. Engineer Laberge stated that the updated site plan should be compared with the previous site plan for compatibility before the plan is stamped and approved.

Commissioner Martin made a motion to approve Sunship LLC at 18 Walker Way section 3 for a change of occupancy. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the change of occupancy.

DISCUSSION:

The Commission discussed several upcoming change of occupancy applications for 132 Lincoln Ave. Detailed floors plans for each tenant need to be provided.

The Commission discussed site issues on the 124, 132, 134 Lincoln Ave. The site plan will be reviewed and verified with the actual site.

The Commission discussed the AT&T building on Central Ave and asked Coordinator Hart to review the landscaping plan.

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

VOTE: Unanimous to adjourn the meeting at 8:28 p.m.

Respectfully Submitted,

Alexandra M. Hart
Planning Coordinator
Village of Colonie