



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

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**MINUTES
TUESDAY, MAY 4, 2021
6:30 P.M.**

The regularly scheduled meeting of the Village of Colonie Planning Commission was held at Village Hall, 2 Thunder Road Albany, NY 12205 on Tuesday, May 4, 2021.

ROLL CALL: Chairman Chris Dennis

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

 Village Attorney: Victor Caponera
 Village Engineer: R.J. Laberge

 Code Enforcement: Steve Meservey

Chairman Dennis opened the meeting at 6:30 p.m. Commissioner Hart led the Pledge of Allegiance.

Chairman Dennis opened the public hearing at 6:31 p.m. and re-opened the regular meeting at 6:57.

APPLICANT:

**1560 CENTRAL AVE
STEWART'S SHOP CORP
(SITE PLAN)**

Mr. Tyler Fronte from Stewart's Shop Corp presented an updated site plan to the Commission. Commissioner Martin made a motion to approve the EAF given that the proposed project does not have any adverse environmental impact. Commissioner Judge seconded the motion.

VOTE: Unanimous to approve the EAF.

Commissioner Martin made a motion to approve the special use permit pertaining to gasoline stations. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the special permit as presented.

Mr. Fronte presented the most recent site plan updates according to the Commission and Engineer Laberge's March 4th comments. Mr. Fronte explained that the new proposed layout shows the new building where the existing Ski Instructors building is and the new gas pumps where the existing

store is located. The site will have all new gas pumps, fuel tanks, landscaping, and sidewalks. Mr. Fronte stated that the site will be a great improvement to the current conditions. There will be outside seating for customers and bollards around the building for safety.

Engineer Laberge reviewed his comment letter dated April 26, 2021. Engineer Laberge stated that there are minor issues left to be resolved. The site plan needs to show the easement for the proposed waterline, the ramp needs to be ADA compliant, and there are a few SWPPP administrative issues.

Chairman Dennis stated that the public hearing comments regarding the fencing has not been addressed and asked if there will be a proposed fence between the adjacent property. Mr. Fronte stated that nothing is currently proposed, however there is 20 foot curbing. Mr. Fronte explained that he was not familiar with the Village's regulations regarding fences. Code Enforcement Officer Meservey stated that fences can be six feet high to the front corner of the building, if the fence extends past the front corner of the building, a fence has a maximum permissible height of four feet. Mr. Fronte stated that the applicant is willing to add a six foot fence from the rear property line to the front corner of the building and a 4 foot fence to Central Ave. Commissioner Judge stated that since trespassing is an issue, a black decorative fence would be nice.

Mr. Sorsby, representing the adjacent property owner stated that fencing until the first parking space would cut foot traffic down. He added that he thinks the curbing and landscaping are nice, however the new site will bring increased foot traffic and they will use the landscaping, not the sidewalk. Commissioner Hart asked if the adjacent property owner was doing anything to prevent the trespassing on their property. Mr. Sorsby stated that they try to go out and talk to the people. Commissioner Splonskowski proposed that the fence be 4 foot for the entire run of the adjacent property. Mr. Fronte explained that if Stewart's ran the fence, there is still an issue of the whole property not being fenced in. Mr. Fronte stated that the applicant is willing to run a six foot fence along the property line up to the building front with a four foot fence the remaining distance to the first parking space on the adjacent property.

Engineer Laberge reiterated the following items that are required by the applicant:

- A. Easement for waterline on site plan
- B. Fence on site plan
- C. Ramp on sidewalk
- D. Permits: MYS DOT, Albany County Health, Village Water & Sewer
- E. Stamped and signed site plan set

Commissioner Martin stated that a demolition plan was not provided. Engineer Laberge stated that the demolition plan is not necessary for the Planning Commission, it will be reviewed by the building department.

Commissioner Martin made a motion to approve Stewart's Shop Corp with the condition that the applicant satisfy all outstanding items as listed in Engineer Laberge's April 26, 2021 comment letter, add vinyl fencing, and submit engineer stamped and signed plans. The fence will not be more than 6 feet in height to the front of the building and 4 feet for the rest. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the application as conditioned.

APPLICANT:

**1610 CENTRAL AVE
LA FIESTA
(SITE PLAN)**

Mr. Alex Morales, from La Fiesta, presented a site plan application for his restaurant at 1610 Central Ave. Mr. Morales stated that he proposes a permanent canopy to be placed over the existing patio. He explained that the sun is an issue on the patio every year and the umbrellas unfortunately never make it more than a year and believes the canopy will be more durable.

Commissioner Splonskowski asked what the material of the canopy is. Mr. Morales explained that it will be a metal frame with a fabric canopy. The metal frame will attach to the building and pillars around the patio. Code Enforcement Officer Meservey stated that he has reviewed the permit application and after speaking with Engineer Laberge, decided to have the Commission approve it due to the proximity to Central Ave and that it is going to be fixed to the building. Mr. Meservey stated that he is ok with the proposal and is ready to issue to permit once Commission approval is granted.

Commissioner Splonskowski asked that the colors of the canopy will be. Mr. Morales stated it will be as shown in the provided renderings, red and green stripes. Commissioner Hart asked if the canopy colors will be the same every year. Mr. Morales stated yes. Commissioner Hart asked if the sides of the patio will be enclosed. Mr. Morales stated no. Commissioner Hart asked that if the canopy gets damaged that the applicant replace with the same colors.

Chairman Dennis stated that all patio details and landscaping are to remain the same as on the currently approved site plan. Engineer Laberge stated that there will be no reduction in greenspace. Commissioner Martin expressed his concerns over the canopy structure itself and with recent wind conditions is it a sufficiently stable structure. He explained a recent incident at the Town of Colonie Golf Course and stated that the applicant should provide design safety details. Commissioner Chudzinski stated that the canopy material the applicant has proposed is good quality.

Commissioner Martin made a motion to approve the amended site plan and canopy for La Fiesta at 1610 Central Ave with the condition that the canopy if changed for any reason be replaced with the same color and fabric as submitted. Commissioner Chudzinski seconded the motion.

VOTE: Unanimous to approve application as submitted.

APPLICANT:

**1580 CENTRAL AVE
PINE GROVE METHODIST CHURCH
(SITE PLAN)**

Code Enforcement Officer Meservey explained that the applicant originally submitted a building permit to the Building Department and due to the size of the proposed structure, the application required approval by the Planning Commission. Mr. Meservey stated that the plan submitted is code compliant.

Mr. Tim Barnard, Trustee with Pine Grove and Pastor Al Johnson presented a site plan application for a pavilion at 1580 Central Ave. Mr. Barnard gave a brief history of the church and explained that there have not been many updates to the site since the 1970's. Mr. Barnard explained the

Covid-19 pandemic hardships on the church services. The church has been performing outdoor services in the parking lot with people in their cars and that has been successful, however as things get back to normal, they would like to still offer the outdoor services under the proposed pavilion. Mr. Barnard stated that the proposed pavilion will be 24' x 42' at a max height of 15 feet. The property is 2.5 acres and has the current site statistics:

- a. 30% greenspace
- b. 13% building coverage
- c. Proposed pavilion will be an additional 1% of building coverage

Chairman Dennis stated with the proposed pavilion the greenspace would decrease by 1 percent and the building coverage would increase by 1 percent. Chairman Dennis stated that he saw no issues with the setbacks.

Commissioner Chudzinski asked if the outdoor services will have a PA system. Mr. Barnard explained that they use portable amps and have not received any complaints from neighbors. Engineer Laberge stated that the noise ordinance states that there cannot be anything louder than 55 decibels after 9 p.m., Mr. Barnard stated that the property is densely wooded. Commissioner Judge asked if there will be any flooring under the pavilion. Mr. Barnard stated no, there will be grass for now with a future plan of crushed stone.

Commissioner Hart noted that the site plan provided was stamped by a professional. Commissioner Hart asked the applicant how many sheds are on the site. Mr. Barnard stated that Pine Grove has two sheds, and the Boy Scouts have one, for a total of three. Commissioner Hart stated that the stamped site plan only shows two sheds and the dumpster is not depicted on the site plan. Commissioner Hart stated that the site plan provided is not accurate to current conditions and asked the applicant to revise the plan.

Pastor Johnson stated that the purpose of the church is to serve and open it's doors to the community. The church plans to use the pavilion for outdoor services as well as having the Boy Scouts and other organizations use the pavilion during the week. Commissioner Keegan stated that the provided application indicates that the pavilion will be only used for weekend services. Pastor Johnson stated that other organizations will use it throughout the week in addition to weekend services. Commissioner Keegan asked that the application be revised for accuracy.

The applicant requested a conditional approval. The Commission discussed the request and unanimously voted to have the applicant return with the following items: updated site plan showing the third shed, dumpster location, setbacks, and updated hours of operation.

APPLICANT:

**13 WALKER WAY
LS POWER GRID NY CORP
(SITE PLAN)**

The applicant resubmitted the site plan with the changes requested by the Commission at the last meeting. After reviewing the plans, the Commission confirmed the changes had been made and stamped the plans.

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

VOTE: Unanimously to adjourn the meeting at 8:11 p.m.

Respectfully Submitted,

Alexandra M. Hart
Planning Coordinator
Village of Colonie