



## Village of Colonie

VILLAGE HALL  
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TRUSTEE

**JAMIE BLOT**  
CLERK

### MINUTES

**TUESDAY, November 9, 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, November 9, 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
	Liaison:	Patty Schwarz Lockart
	Code Enforcement:	Steve Meservey

Chairman Dennis opened the meeting at 6:30 p.m. Commissioner Hart led the Pledge of Allegiance and requested all electronic devices to be turned off or muted.

The Commission reviewed the regular meeting minutes from October 19, 2021. Commissioner Martin made a motion to approve the minutes, as amended. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve the October 19, 2021, meeting minutes as amended.

**18 WOLF ROAD  
FIVE GUYS BURGER AND FRIES  
SITE PLAN APPLICATION**

Eric Dickerson representing C2 Designs stated that his company is looking to fit up the former Starbucks on Wolf Road next to the Men's Warehouse. Mr. Dickerson stated that the space is 2200 sq foot space. On the back side of the building, they are looking to put in an exterior walk-in cooler where there will be access to the cooler from the inside of the building. On the front side a patio area is proposed for exterior seating. Commissioner Hart asked if there is anyone present to represent the landlord. Applicant stated there was not. Bill Rabbitt presented himself as director of operations for Five Guys. Engineer Laberge stated the proposed exterior cooler is located within the rear 10-foot setback, so it is in violation of the zoning. This will have to go to the zoning board of appeals if the cooler is to stay in the proposed location. Commissioner Laberge also stated that because of what kind of restaurant this is that it will require in-ground grease traps.

Mr. Dickerson states that there will be new in-ground grease traps being installed in the front of the building.

Engineer Laberge stated that this was not shown on the plan.

Mr. Dickerson stated that it will be going in front of the proposed patio space.

Engineer Laberge asked if the grease tank outside will remain for other greases in the back?

Mr. Dickerson explained that that grease trap is for the grease produced inside by the fryers. Everything is dumped into that grease tank and then pumped out.

Engineer Laberge states that a full site plan is required providing site statistics, green space, coverage areas and a parking analysis. The current proposal eliminates two parking spaces.

Chairman Dennis asks for clarification on exterior cooler and zoning directed at Engineer Laberge. Engineer Laberge explained the building is set 10 feet off the property line and that is the minimum setback, so anything added on to the back of the building is in violation of zoning. So technically speaking the canopy over the back door is in violation of zoning unless there was a variance issued for this.

Engineer Laberge states that the parking in the back of the building used for this site is for the former Barnes and Noble building and if used for this site requires an easement be shown.

Chairman Dennis is requesting a full site plan so the parking issue can be addressed. Due to the building being a multiple tenant building the Commission has some leeway on parking requirements. The submission does not give the commission an idea as to what parking can be had. As part of the submittal the applicant needs to provide information listing the different tenants and their parking requirements. With the applicant proposed removal of green space in the front, they must demonstrate they still meet the 20% site green space with at least 10% in the front. The Commission needs that shown on the site statistics.

Commissioner Martin states that not only the green space will be lost but landscape will also be lost. Presently the landscaping provides color in front of the building, so the applicant needs to recommend how they are going to replace the landscaping itself.

Commissioner Chudzinski asked if the tank in the back of the building will be underground. Mr. Dickerson states that it is not and that it is a freestanding unit in an enclosure.

The applicant needs to also present freestanding grease trap to zoning due to the 10-foot setback.

Engineer Laberge stated that the current dumpsters are located on the adjacent property in reply to Commissioner Judge's question about the location of such.

Commissioner Chudzinski asks the applicant what kind of garbage will be thrown away in the dumpsters. The applicant stated it will be regular garbage and recyclables. Commissioner Chudzinski asked if any leftover burgers and fries will be put in the trash bins. A concern was raised for animals rummaging through the dumpster. Attorney Caponera asked the dumpster issue to be looked into for what kind of waste is going to be housed in the dumpster. Vermin and animals need to be controlled to prevent access to the dumpsters. Engineer Laberge stated that the dumpsters need to be on cement pad.

Commissioner Martin asked Engineer Laberge if the dumpsters are on the other parcel if they need an easement. Engineer Laberge stated they will need to present an agreement with the landlord for its use.

Engineer Laberge stated he will write up all criteria for applicant that needs to be done to move forward with the proposed project.

## **14 COMPUTER DRIVE WEST TENANT CHANGE**

Tom Brownlie introduced himself as the building owner of 14 Computer Drive West and he is with Desiree Carosi who is the owner of Center for Natural Wellness who is looking to occupy the space as a tenant.

Tom Brownlie explained that the building as it is currently laid out as the New School Center for Media. Desiree Carosi wishes to occupy the currently vacant space. The building owner stated there are no changes to the building, just a change to the tenant.

Applicant, Desiree Carosi, stated her hours of operation are Monday-Thursday 8:30AM-9:30PM offering morning classes and day classes. Saturday and Sunday 9:00AM-4:30PM. There is typically only one Sunday a month. They are a school and offer classes and continuing education for Massage Therapy students and professionals.

Chairman Dennis asked for further explanation about the cars and traffic that was in the previous location.

Tom Brownlie said that he does not foresee any additional traffic being an issue. It looks that there will be less traffic because all students will be present at the same time. Ms. Carosi explained that at most there are 30-40 students. Right now, 1/3 of the parking is being used. At any one time only 20 students are present.

Engineer Laberge asked the number of employees and Ms. Carosi stated maximum of 6 employees.

Chairman Dennis asked if there are daily personal commuters or drop off students. Ms. Carosi stated there are no bus drop offs.

Chairman Dennis stated that the plan shows availability for 39 parking spots.

Commissioner Keegan asked about the volunteers that come in. Ms. Carosi stated they are paying customers and due to COVID restrictions typically 3-4 are present for student clinics.

Engineer Laberge asked how the numbers would be under regular circumstances. Ms. Carosi stated 6 people.

Commissioner Hart stated he has visited the site and it is immaculate.

Commissioner Martin made a motion to approve Ms. Desiree Carosi and the Center for Natural Wellness Tenant Change to 14 Computer Drive West. Commissioner Hart seconded the motion.

VOTE: Unanimous to approve.

#### **CUBESMART DISCUSSION:**

Engineer Laberge stated he has written a letter to the Goldstein Attorney regarding the Commission needing to see progress on the plan to replace the tree that was taken down.

Commissioner Splonskowski brought up the lack of trees on the rear berm. Trees were removed by Goldstein and have never been replaced.

#### **PRIME STORAGE DISCUSSION:**

Commissioner Martin stated that he noticed they had bulldozed the entire landscape and just planted grass and have not come in front of the Commission to get approval for the changes.

Chairman Dennis confirmed this is the site next to Goldstein Subaru. Deputy Building Inspector Randy Rivera and Chairman Dennis visited the site to confirm what had been done. The building department informed the tenant that they need to come in front of the Planning Commission for approval of the changes that have been made.

#### **1686 CENTRAL AVE**

## **LEMON (DISCUSSION)**

Commissioner Hart stated that they have cut down trees in front of building and let the Commission know that Building Inspector Meservey has contacted the property owner. The property has not fixed the situation.

Building Inspector Meservey stated that he went into the business and spoke to owner, and they referred him to the building management. Building Inspector Meservey informed building management about site plan change and that there must be a replacement planted. This took place in the beginning of the summer.

After referring to photo submitted in file, the tree has been cut down and not replaced.

Chairman Dennis suggested sending a notice to property owner that states they need to come in front of planning. This letter will come from the Building Department.

## **DISCUSSION**

Chairman Dennis directed conversation to Engineer Laberge on how Vly Road proceedings will move forward.

Engineer Laberge stated the next step in the environmental review process is for the Planning Commission to request to be lead agency for a coordinated review. The Commission needs to pass a resolution to seek lead agency for the review. It requires that notifications be sent out to all interested agencies, i.e., DOT, health department, etc. The agencies have 30 days to respond to us and until this happens the Planning Commission cannot proceed with the project review. The Commission will review documents and comments submitted by the public after the public hearing but no action can be taken until a lead agency is established. This will put us into December. The applicant has submitted a long EAF form. All comments and EAF long form will be put on Village of Colonie website.

Chairman Dennis asked if anyone in the audience has any comments or questions.

Resident asked when the Stenographer minutes of the October 19<sup>th</sup> public hearing will be put on website.

Chairman Dennis referred to Attorney Caponera as to making the stenographer minutes available on website. It is agreed up that Planning Coordinator Sim will put them up for access.

Planning Coordinator Sim stated that she is working on a drop-down tab on the website so all information will be accessible to the public regarding the Vly Road proposed project.

Julie Farrar from 7 Hanifin spoke regarding Planning Commission spending 20 minutes on trees that were being removed and that she hopes that the Planning Commission takes that same consideration to the green space being used for the proposed Vly Road project.

Chairman Dennis brought up an additional item regarding 124 Lincoln Avenue. He asked Engineer Laberge if the letter has gone out to property owner.

Engineer Laberge stated it has been sent to Mary Clark.

Commissioner Judge brought up traffic issues with the sidewalk installation at the new Stewart's on Lincoln Avenue. Commissioner Hart explained a notice was sent out to all residents. Building Inspector Meservey explained there was an issue with contractors and availability to do the work overnight and DOT allowed them to do it during the day.

Commissioner Hart made a motion to adjourn meeting at 7:20PM. Commissioner Chudzinski seconded the motion.

VOTE: Unanimous to approve.

Respectfully Submitted,

Courtney Sim  
Planning Coordinator