



## Village of Colonie

VILLAGE HALL  
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**JAMIE BLOT**  
CLERK

### MINUTES TUESDAY, February 1, 2022 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, January 18, 2022.

ROLL CALL:	Chairman	Chris Dennis
	Commissioners:	John Martin (Absent) 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 January 18, 2021. Commissioner Hart made a motion to approve the minutes, as amended. Commissioner Judge seconded the motion.

VOTE: Unanimous to approve the January 18, 2021, meeting minutes as amended.

**3 Fritz Blvd – Airosmith – T-Mobile upgrade  
SITE PLAN APPLICATION**

Village Engineer Laberge stated that he reviewed the site plan and all the requirements have been met. He also stated that it is an equipment swap out. All the equipment being changed is located within a fenced in preexisting area.

Commissioner Hart made a motion to approve Airosmith Development at 3 Fritz Blvd for the T-Mobile upgrade. Commissioner Chudzinski seconded motion

UNANIMOUS TO APPROVE

**1526 Central Avenue  
Change of Occupancy**

Ashwin Rana, applicant for 1526 Central Avenue stated that he would like to open a small take-out restaurant for this location. The proposed restaurant will be a vegetarian restaurant.

Chairman Dennis asked the applicant to verify the number of chairs. Mr. Rana stated 17 chairs. Chairman Dennis stated that the floor plan has 12 chairs shown.

Chairman Dennis asked Mr. Rana to clarify the need for chairs if this is a takeout restaurant. Mr. Rana stated that the chairs are there if a patron was interested in sitting and quickly eating the meal they ordered.

Mr. Rana Stated that they had to have 19 chairs for seating. Commissioner Hart asked Mr. Rana who told them that the 19 chairs were a requirement. Mr. Rana responded by explaining it was the Health Department.

Commissioner Hart asked if Mr. Bokhari was present as the landlord of the property. Mr. Rana stated Mr. Bokhari was not present.

Chairman Dennis stated that the application is filled out incorrectly for parking requirements along with customer traffic.

Commissioner Judge asked Mr. Rana what kind of take-out location this would be as far as cuisine. Mr. Rana stated that it is Southern Indian cuisine. Door Dash and google will be the providing the delivery service.

Commissioner Chudzinski informed Mr. Rana that this is not listed anywhere on his application.

Chairman Dennis recommended the owner, Mr. Bokhari, complete this application together with the applicant. The floor plan needs to be updated, parking requirements properly completed and there needs to be a narrative attached as well.

Commissioner Hart asked the applicant if he had been approved for any exterior signage by The Village of Colonie building department. Mr. Rana stated he had not. Commissioner Hart recommended that Mr. Rana take down or cover his sign, until he has an approved application from the Planning Commission.

## **12 Walker Way – Fiden’s Brewery CHANGE OF OCCUPANCY**

Village Attorney Caponera gave a detailed background of the previous variance issued for Mike Carter with Fiden’s Brewery. Village Attorney Caponera stated that Mike Carter had come in front of the Planning Commission in 2018 and he explained to the Commission what his proposed business was going to be. Mr. Carter defined his business with two parts, one primarily a brewery with an accessory retail. Village Attorney Caponera described the specific nature of The Village of Colonie code that detailed the outline of running this type of business being that more brewing had to be present than retail. Based on the description provided by Mr. Carter, his application was denied, and he had to go in front of Zoning Board of Appeals.

A conditional variance was given to Mr. Carter in 2018 with a sunset provision. The variance stated that it would be granted specifically on the applicant staying with the applied project. If the applicant vacated the property than the conditional variance would no longer be valid for the location. In 2019 Mr. Carter applied to expand to with more chairs, additional employees as well as additional storage. The commission approved the application based on the same original criteria from 2018.

Village Attorney stated that the variance stays with the property that it was originally applied for and does not expand to any additional properties.

Chairman Dennis stated that there is an issue with the hours of operation and parking breakdown in the application. It needs to be specific on hours generalized.

Commissioner Keegan asked if there was any problem with vermin with the storage of oats for brewing. Fiden's representative Timothy Pierce stated that they are using ACE pest removal and have no issues with any vermin.

Commissioner Hart stated that there should not be any employees at the proposed location. Mr. Pierce stated that is correct, it will be used by an employee from 10 Walker Way to get brewing supplies by forklift.

The application needs to be corrected for proposed parking, address notation and hours of operation as per Chairman Dennis.

Chairman Dennis Recommended that the changes be made and resubmitted to the Planning Commission.

### **10 Walker Way – Fiden's Brewery Change of occupancy**

Adam Petela with Local Design Studios and Ashley Rubino with Fidens Brewery presented the application.

Village Attorney Caponera asked both representatives to walk the Planning Commission through the site plans.

Adam Petela broke down the square footage of the current brewery and addressed the existing variance issued. Mr. Petela stated that the tasting room idea had shifted to a retail and pick up process during COVID-19 due to patrons being unable to go indoors.

Mr. Petela stated that the proposed expansion would allow more space for brewing equipment, office space and storage. The additional space would be dedicated to a tasting room and retail component. The retail component would help to eliminate the drive through traffic by allowing patrons to park in the parking lot, enter the building and purchase their alcohol. Ashley Rubino added that by having this dedicated retail space, the 7AM pickup time would be eliminated. Mr. Petela stated that the fit-up would allow traditional retail hours versus hours based on just the brewing operation.

Chairman Dennis asked if the two proposed spaces are currently vacant. Mr. Petela confirmed that, they are vacant.

The tasting room is more dedicated than the temporary set up that was laid out originally. The tasting room would have an occupancy of 94 patrons according to Mr. Petela.

Mr. Petela stated that the idea of the bar area is a tasting room. Ms. Rubino indicated that the tasting room would not be a sports bar but an area to taste and enjoy a beer and purchase additional product to go.

Village Attorney Caponera stated that based on his calculations the current approved space is 2130 square feet.

Village Attorney Caponera asked for clarification on what portion of the site will be an allowable use, i.e the brewery and which part will be an accessory use, i.e retail in this zone. Village Attorney Caponera stated that this area is zoned for warehouse use, wholesale use, storage use and professional business as permitted per The Village of Colonie code book.

Village Attorney Caponera stated that the bulk of the building use falls under the allowable use but what needs to be looked at is how the accessory space falls into the code.

Chairman Dennis stated that the allowable use is 4500 square feet, and the variance area is 3000 square feet.

Chairman Dennis addressed additional issues in application with parking. All tenants for this location need to be listed in application as well as the hours of operation. Brewing hours and retail hours need to be differentiated. Chairman Dennis stated the must state in the narrative that there will be no outdoor speakers and tents.

Commissioner Hart made a motion to deny Fiden's Brewery at 10 Walker Way based on expansion of a non-conforming use. Commissioner Chudzinski seconded motion.

## **Vly Road review**

The Village of Colonie Planning Commission reviewed the draft letter addressed to the applicant which was generated by the EAF review. Village Engineer Laberge will send out a cleaned-up version to the applicant. Planning Coordinator Sim verified that the final version will be put up on the website upon completion of Village Engineer Laberge.

Resident Frank Blake directed some questions to the Planning Commission. He asked if there was any reply from the developer regarding the entry and exit through the church. Chairman Dennis that we have not received to date any reply to that meeting with the developer.

Mr. Blake brought up a concern about the proposed widening of the lawns on Chris Place. Village Engineer Laberge stated that no one will be losing property due to the widening being done on the Village of Colonie right-of-way.

Commissioner Hart made a motion to adjourn meeting at 8:15PM. Commissioner Chudzinski to second motion.

UNANIMOUS TO ADJOURN.

Respectfully Submitted,

Courtney Sim  
Planning Coordinator