



Village of Colonie
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Minutes
Tuesday, September 5, 2023
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, September 5, 2023.

ROLL CALL:	Chairman:	Chris Dennis
	Commissioners:	John Martin Brittany Kendall Kenny Hart Jim Splonskowski Mark Stevens Kerry Bytner-absent
	Village Attorney:	Victor Caponera
	Village Engineer:	R.J. Laberge
	Liaison:	Patty Schwarz Lockart-absent

Commissioner Hart opened the meeting at 6:30 p.m., led the Pledge of Allegiance and requested that all electronic devices be turned off or muted. The Commission reviewed the regular meeting minutes from

August 15, 2023. Commissioner Martin made a motion to approve the minutes as amended. Commissioner Hart seconded the motion.

VOTE: unanimous to approve

Mr. Mark Stevens was introduced and welcomed as the new member of the Planning Commission

Change of Home Occupation

Home Occupancy/Home Auto Window Tinting Business

59 Broderick Street

Mr. Stepan Nahlupin and Mrs. Anna Nahlupin presented before the Commission requesting approval for a Home Occupancy /Auto Window Tinting Business. Mr. Nahlupin read a statement regarding the Window Tinting business and the difficulty he is having with a neighbor regarding the business.

Chairman Dennis clarified for the Commission that Home Occupation was being reviewed based on information the homeowner presented and had been requested by the Commission at a previous meeting.

Village Attorney Caponera read the Village Code section 242.5H which states that a business cannot be more than 25% of the habitable living space of the principal dwelling. Attorney Caponera stated based on the information provided by the Nahlupin's, the garage was slightly over 25%. He also read a letter from Village Building/Code Inspectors Meservey and Rivera stating their belief that the use meets the requirements of home occupancy.

Chairman Dennis stated that the Nahlupin's will be required to go to the Zoning Board for an area variance as a result of the garage being over the 25% of habitable living space.

Commissioner Martin made a motion to deny the proposed Home Occupancy/ Home Auto Window Tinting business at 59 Broderick Street because it exceeds 25% square footage as stated in 242.5H of the code. Motion was seconded by Commissioner Hart.

VOTE: unanimous to deny

Change of Ownership and Occupancy
Brownies Dispensary, LLC
1686 Central Avenue

Mr. & Mrs. Hilland and their son Michael Hilland appeared before the Commission. Their current business is located at 1593 Central Avenue, and they are now requesting the Change of Ownership and Occupancy to move the business to 1686 Central Avenue. They also have a contract to purchase 1686 Central Avenue.

Attorney Caponera asked if they were withdrawing the previous application for Change of Ownership & Occupancy for 1593 Central Avenue. The Hilland's stated that they are withdrawing that application.

The current NYS preliminary injunction for conditional adult use retail dispensary and its impact on the current applicant's application was discussed. The Hilland's are trying to move forward so they are ready to open when given the final approval. They have construction that needs to be done in the building they are purchasing and would like to proceed.

The apartments that are on the property were also discussed. At this time, the Hilland's stated they are not interested in renting them. The applicant was advised to look closely as to whether the desire to retain

apartments would hinder their business conditions. Parking for the site and how it would affect the approval process was discussed.

The Hilland's presented the training manual that they completed. The Commission requested they provide an electronic version to share with the members.

The Commission has requested a full site plan and floor plan with measurements before moving forward with a decision. The Hilland's will also submit a Change of Ownership application.

Change of Occupancy
Korner Bar & Grille
1770 Central Avenue

Mr. Adam Leonardo, Rosetti Properties, and Mr. John LaPosta, Innovo Catering, appeared before the Commission.

Mr. Leonardo stated that Mr. LaPosta, who is the owner of Innovo Catering, would like to open the Korner Bar & Grille adjacent to the catering spot. Innovo Catering will provide all the food for the Korner Bar. There will be no change to the footprint of the catering business other than a door being placed to access the kitchen from the bar. The only thing changing in the Korner bar will be the addition of the bar and tables.

Mr. Leonardo submitted a new parking sheet after looking at the hours of operation of the tenants and the number of cars in the lot at various hours. He believes that there are more than enough spaces available for the Korner bar.

Commissioner Hart inquired about the music to be offered. Mr. La Posta stated that he isn't sure he will offer music. He was required to

list it on the liquor license if he thought it could be a possibility. Mr. LaPosta stated that if he offers music, there would be no more than two acoustic players. The Commission reminded Mr. LaPosta that there can be no outdoor speakers.

Mr. LaPosta stated there will be two bartenders, a bar back and wait staff. The kitchen staff will not change for Innovo Catering. The Commission expressed concerns that the hours of operation for Innovo Catering don't match the hours stated for the Korner Bar & Grille. Mr. LaPosta changed and initialed the changes to the hours of operation for Innovo Catering to 7 AM – 11 PM, Monday – Friday.

Commissioner Martin made a motion to approve the Change of Occupancy for the Korner Bar & Grille located at 1770 Central Avenue. Commissioner Hart seconded the motion.

VOTE: unanimous to approve

**Site Plan Review/Change of Use
1707 Central Avenue
Ridgeback Hospitality, LLC**

Ms. Caryn Mlodzianowski, Bohler Engineering appeared before the Commission to present an updated Sketch Plan for 1707 Central Avenue.

Ms. Mlodzianowski stated the changes made were a result of the Commission's concerns stated at the June 20, 2023, meeting. The site plan narrowed the drive through lane from two lanes to one, eliminated the retaining walls and added green space in the front along Central Avenue. It also moved the sidewalk away from the sewer main. They are also in negotiations with the bank regarding some of the parking spaces.

The Commission suggested Ridgeback Hospitality proceed with formal site plan drawings including landscaping. The Commission continued to request façade elevation drawings from Central Avenue and agreed to submit to Albany County for feedback.

Discussion:

Planning Coordinator Rueckert presented a tentative agenda for the September 19,2023 meeting.

Commissioner Hart made a motion to adjourn the meeting at 8:10 pm. Commissioner Martin seconded the motion.

Vote: unanimous to approve

Respectfully Submitted,

Joan Rueckert - Planning Coordinator