



Village of Colonie
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Minutes
Tuesday, March 5, 2024
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, March 5, 2024.

ROLL CALL: Chairman: Chris Dennis

Commissioners: John Martin
Brittany Kendall
Kenny Hart
Jim Splonskowski-absent
Mark Stevens
Alison Curran

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

Liaison: Patty Schwarz Lockart

Chairman Dennis opened the meeting at 6:30 p.m., Commissioner Hart led the Pledge of Allegiance and requested that all electronic devices be turned off or muted. The Commission reviewed the regular meeting minutes from February 20, 2024. Commissioner Martin made a motion

to approve the minutes as amended. Commissioner Hart seconded the motion.

Vote: unanimous to approve

At the February 20, 2024, meeting, the Commission left a motion open regarding the Change of Occupant request of Albany Buffett, LLC located at 20 Wolf Road. Commissioner Martin made a motion to deny the Change of Occupancy for Albany Buffet, LLC located at 20 wolf Road due to insufficient green space and set back. Commissioner Hart seconded the motion.

Vote: unanimous to deny

**Change of Occupant
1730 Central Avenue
Price Chopper/Market 32**

Mr. Tom Layton, design manager for Price Chopper, and Ms. Kelly O'Neill-Diccarmine, Director Design & Construction for Price Chopper, appeared before the Commission. Mr. Layton stated that Price Chopper had submitted a new application that corrected the errors on the previous application. The application was corrected to reflect that there will be no outside storage and provided a list of all the various licenses that are required to operate the store. Price Chopper also provided exterior elevations and colors for the store.

Mr. Layton stated that they would be submitting the signage requirements for the store. Commissioner Martin stated that they should submit those requirements to the Sign Board in the Village.

Commissioner Martin asked for a landscaping plan. Planning Coordinator Rueckert provided the approved plan to Price Chopper.

Mr. Layton stated that Price Chopper real estate group will be responsible for the landscaping and parking lots. If there are plantings that need to be replaced, they will take care of it.

Chairman Dennis asked who owns the property that Price Chopper is leasing the property from. Ms. O'Neill-Dicarmine stated that the current owner is Tri City Rentals. Price Chopper is leasing the entire parcel including the gas station but has no plans to operate the gas station. Currently there are seven possible operators for the gas station.

Chairman Dennis stated that the Commission had a copy of the landscape plan and a copy of the Conditions of Approval that were in place for Shop Rite. Commissioner Martin read the conditions that will be kept for Price Chopper. There will be no products, including but not limited to beverages, tobacco products and lottery tickets, to be offered for sale at the gasoline service station, other than motor fuels. Chairman Dennis stated that they want to keep the front clean, no signage and there should be no duplicate sales between the gas station and Price Chopper/Market 32. The second requirement will be that large truck delivery to the supermarket and gasoline station shall be between the hours of 5:30 AM and 11:00 PM. Small vehicle deliveries, such as step vans shall arrive no earlier than 5:00 AM to reduce the back-up alarm noise and shall enter the delivery area so there is no need to back the vehicle into place for unloading or exiting the site.

Commissioner Hart asked if they will be keeping everything the way it currently is. Mr. Layton stated the lighting will be the same, there will be no outdoor speakers, there will be interior remodeling and they will not be doing anything to the HVAC.

Commissioner Martin made a motion to approve the Change of Occupant for Price Chopper/Market 32 located at 1730 Central Ave.

with the conditions of approval being that no products, including but not limited to beverages, tobacco products and lottery tickets, shall be offered for sale at the gasoline service station, other than motor fuels, large truck delivery to the supermarket and gas station shall be between the hours of 5:30 AM and 11:00 PM as stated on the plan, and the existing approved landscape plan is part of the approval. Commissioner Hart seconded the motion.

Vote: unanimous to approve

**Change of Occupant
1770 Central Avenue
Korner Bar & Grille**

Korner Bar & Grille submitted a revised application requesting a change in operating hours to 11 AM to 11 PM. Commissioner Martin made a motion to approve the hours of operation for the Korner Bar & Grille located at 1770 Central Avenue, 11:00 AM to 11:00 PM, Monday through Sunday. Commissioner Hart seconded.

Vote: unanimous to approve

**Site Plan Application
1537-1539 Central Avenue
Taco Bell**

Mr. Steve Wilson, Bohler Engineering appeared before the Commission. Mr. Wilson stated that he was responding to the January 30, 2024, letter received from the Laberge Group concerning parking and requesting that the SEQRA process be started. Mr. Wilson stated that they had just received the February 29, 2024, letter from Laberge and they will address those concerns at a future date.

Mr. Wilson stated the Laberge group has concerns regarding the three parking spaces in front of the dumpster as this is not ordinarily been allowed in the Village. Mr. Wilson stated the conflict only arises when there is garbage pickup or deliveries of supplies or food to the stores. Mr. Wilson stated it would not be an issue during deliveries as they do not park or load in front of the dumpsters and are not on the property for a very long time. Deliveries are palletized and will be a couple times a week and the garbage possibly every other day. Chairman Dennis stated that they would not approve any garbage pickup before 7:00 AM in the Village. Chairman Dennis stated that he believes when deliveries take place the parking is reduced to six available spots. Mr. Wilson indicated it is based on how the truck circulates through the site. The truck pulls in and backs up for deliveries. When leaving the property, they swing into the parking spaces to circulate back out of the property. Mr. Wilson stated that employees can “cone” off the area when they know there is a delivery or trash pickup. The consensus of the Commission members was there should be no parking in front of the dumpsters. The plan is currently at sixteen spaces which is required by code and losing the three spaces in front of the dumpster will require a variance. Mr. Wilson asked for clarification on how they will need to proceed if the Commission is not in agreement with the plan. Mr. Wilson was informed that the project would need to go in front of the Zoning Board for a parking variance. However, should the variance be granted the application would still need to come before the Planning Commission for further review and additional comments that may be had.

Commissioner Martin explained the process and addressed the request to proceed with SEQRA. Commissioner Martin stated that he is not in favor of proceeding with the SEQRA application until the Commission receives a traffic study. Commissioner Martin and Chairman Dennis addressed concerns with the landscaping plan. In accordance with the

Village Code the berm needs to be six feet with vegetation on top and the choices for plantings are inadequate for the site.

Chairman Dennis asked about the storm management on the site. The site is working off dry wells with no outlet. The hard surface is a reduction from the current area, but they are trying to maintain the surface drainage on the site. They are looking at both parcels together/ one owner.

Chairman Dennis asked if Computer Geeks has an easement on the property line. Mr. Wilson stated that he believes it is an encroachment. Chairman Dennis would like to know if there is green space between the pavement and the curb as presented on the plans. Mr. Wilson stated they will go through the comments from the Commission and Laberge Group and make adjustments.

Chairman Dennis requested that the letter sent by the Laberge Group be put online for the residents to review.

Commissioner Martin expressed concerns for snow removal. He stated that anything over two inches of snow would need to be removed from the site.

Commissioner Martin made a motion to deny the Site Plan application for Taco Bell located at 1537-1539 Central Ave. due to insufficient parking. Commissioner Hart seconded the motion.

Vote: unanimous to deny

Several residents requested to speak regarding the proposed Taco Bell.

Mr. Paul Milovach - 7 Gabriel Way

Mr. Milovach is opposed to the project based on parking and traffic.

Mr. Richard Stack – is opposed based on the traffic that will be generated and access to Central Ave.

Mr. Roy Bailey 12 Nicholas Drive

Mr. Bailey is opposed to the project based on parking and traffic. Mr. Bailey stated that there is a problem with the dumpsters from Domino's.

Mr. Mike Capitula – is opposed based on the truck deliveries and traffic. He stated that there is traffic that has been generated from Domino's and Coles Collision. This will add additional traffic to the neighborhood. He is also concerned about the number of curb cuts on Nicholas Dr. Mr. Capitula stated all other fast-food restaurants in the Village are surrounded by commercial properties, not residential.

Discussion:

59 Broderick Street – Chairman Dennis stated that he had received a letter from Village Engineer Laberge stating the Commission will need to act at the April 2, 2024, meeting regarding the Change of Occupancy for 59 Broderick Street. The Commission can vote no, vote yes or vote yes with restrictions.

Commissioner Kendal read the conditional Zoning Board approval with conditions. There was discussion among members regarding concerns, information that has been presented at previous meetings and interpreting the code. Chairman Dennis requested that the Commission come to an agreement regarding the motion to be made at the April 2, 2024, meeting not a decision of how they will be voting. It was explained to new members of the Commission that if they vote no when the vote is taken, they need to explain why they are voting no. The Commission came to consensus on how the motion will be made and the conditions of approval.

Commissioner Hart made a motion to adjourn the meeting at 8:35 PM.
Commissioner Martin seconded the motion.

Vote: unanimous to adjourn

Respectfully Submitted,

Joan Rueckert - Planning Coordinator