



Village of Colonie
VILLAGE HALL
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JAMIE L. BLOT
CLERK

Minutes
Tuesday, November 12, 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, November 12, 2024.

ROLL CALL: Chairman: Chris Dennis

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

Alternate: Carl Kuentzel

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

Liaison: Frank A. Prevratil

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

Kuentzel to be a voting member at the meeting. The Commission reviewed the regular meeting minutes from October 15, 2024. Commissioner Martin made a motion to approve the minutes as amended. Commissioner Splonskowski seconded the motion.

Vote: unanimous to approve

Change of Occupant
8 Wolf Road
Prince Tea House

Mr. Adam Petela, architect, and Ms. Briana Lin, business owner, appeared before the Commission.

Mr. Petela presented the updated site plan including landscaping for 8 Wolf Road. Chairman Dennis stated that he and Commissioner Martin had visited the site and made recommendations to Village Engineer Laberge regarding the landscaping. Engineer Laberge shared those suggestions with Mr. Petela, and they are reflected on the site plan as presented. Chairman Dennis and Commissioner Martin have approved the site plan as presented. There were no questions regarding the floor plans.

Commissioner Martin made a motion to approve the Change of Occupant for Prince Tea House located at 8 Wolf Road with the addition of the revised site plan submitted 11/04/2024 which reflects the landscaping. Commissioner Splonskowski seconded the motion.

Vote: unanimous to approve

Special Use Permit
3 Nicholas Drive
Apartment

Mr. Bokhari, Village resident residing at 20 Nicholas Drive, and Mr. Balwinder Singh, property owner, appeared before the Commission.

Mr. Bokhari stated that Mr. Singh is requesting a special use permit to convert a garage into an apartment.

Chairman Dennis asked for clarification on the current structures that are on the property. Mr. Bokhari stated they would like to make the detached garage a one- or two-bedroom apartment. The utilities are all in place and there is enough parking for one or two additional cars. Chairman Dennis asked if the existing structure is all one residence or if it has independent apartments. Mr. Bokhari stated it is one residence. Commissioner Martin stated the site plan indicates three different dwellings are labeled on the site plan. Mr. Bokhari stated they are all one unit. Commissioner Curran looked at Google earth which states it's a two-story sided dwelling with a one stall garage on the right-hand side, a lower-level dwelling area with the bedrooms above, the one-story attached dwelling in the back is an addition.

Chairman Dennis stated the Village Attorney and Engineer (both absent this evening) reviewed the plan and stated by code this is considered an accessory apartment. An accessory apartment dwelling needs to be attached to the primary living space. Commissioner Martin then read the following,

1. 242-5A (6) permits an "accessory apartment in a one- family dwelling, subject to the provisions of Subsection G....". The proposed apartment is not within the dwelling but rather a separate structure.
2. 242-G(1)(d) requires the lot to have a minimum of 75 feet of frontage. The lot only has 70 feet of frontage.
3. 242-G(1)(f) requires "the original building and any addition conform to the setback and coverage requirements of this code".

The rear setback of the proposed apartment does not meet the 25-foot rear yard setback, and the minimum side yard allowed is 10 feet and the existing main dwelling is 9.9 feet.

4. The applicant should clearly indicate how many units are in the existing structure since the map seems to indicate three.

Village Engineer Laberge stated in an email to Chairman Dennis and read into the minutes that an accessory apartment must be contained in the primary dwelling even if an addition is required. A separate free standing apartment unit is not permitted. The application will need variances for being detached, frontage, rear and side yard setbacks.

Commissioner Curran stated that the accessory apartment should be no more than 600 sq. ft., and the garage is 900 sq. ft. In addition, the main house must be owner occupied, the apartment may be only one bedroom and a maximum of two people. Mr. Bokhari stated that as of today, the owner is not living in the home. He is in the process of moving.

Commissioner Splonskowski stated the rear setback is stated as five feet but did not take into consideration the overhang which reduces it to 2 1/2 ft. when scaled.

Commissioner Martin made a motion to deny the request for a special use permit for 3 Nicholas Drive on the conditions that it needs to be an attached garage and it is not, the variance needs to be for the frontage of the site and the setbacks, the actual garage is 900 sq.ft when it should be 600 sq.ft. and it should be owner occupied. The applicant should apply to the Zoning Board for the appropriate variances. Commissioner Splonskowski seconded the motion.

Vote: unanimous to deny

Discussion:

Village residents asked how many people are allowed to live in a home. Chairman Dennis stated that is a question for the building department and the Village Attorney. A Village resident stated that there are numerous individuals living in the home as well as people living in the garage. Commissioner Kendall asked Mr. Bokhari if he would like to speak to the statement for the record. Mr. Bokhari stated that it is an allegation and not true. There is no one living there currently.

Village residents asked for clarification on when the Zoning Board meets and the opportunity for residents to speak.

The next Planning meeting is on November 19, 2024, and will address the gas station at Price Chopper, 1728 Central Avenue.

Commissioner Martin made a motion to adjourn the meeting at 7 PM. Commissioner Lemperle seconded the motion.

Vote: unanimous to adjourn

Respectfully Submitted,

Joan Rueckert - Planning Coordinator