



*Village of Colonie*  
VILLAGE HALL  
2 THUNDER ROAD  
COLONIE, NY 12205  
(518) 869-7562 FAX (518) 464-0389  
**THOMAS J. TOBIN**  
MAYOR

[villagehall@colonievillage.org](mailto:villagehall@colonievillage.org)  
[www.colonievillage.org](http://www.colonievillage.org)

**EDWARD SIM**  
DEPUTY MAYOR

**PATTY SCHWARZ LOCKART**  
TRUSTEE

**JAMES M. RUBINO**  
TRUSTEE  
**ART WHITE**  
TRUSTEE

**JAMIE BLOT**  
CLERK

**Minutes**  
**Tuesday, February 20, 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, February 20, 2024.

**ROLL CALL:** Chairman: Chris Dennis

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

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

Liaison: Patty Schwarz Lockart

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. The Commission reviewed the regular meeting minutes from February 6, 2024. Commissioner Martin made a

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

Vote: unanimous to approve

**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 will be leasing the former Shop Rite store and converting it to Price Chopper Market 32. There will be no modifications to the interior or exterior doors, the exterior lighting and parking will remain the same, Price Chopper will not be operating the gas station affiliated with the property but are looking to lease out the station. There will be some interior changes and there will be changes to the exterior colors and signage. There will be no change to green space.

Chairman Dennis asked if the agreement with Otto Cadillac has been changed. Mr. Layton stated that they were not provided with the agreement, and nothing will be changed. Chairman Dennis stated Price Chopper will need to come before the Commission for a change of occupancy when the gas station is leased. Chairman Dennis requested that Price Chopper submit the proposed signage colors and elevations to the Commission for review.

Chairman Dennis requested verification on the application for outside storage which was checked as yes when it should read no. The only outside storage will be for plants and seasonal offerings which are near the entrances. The Commission stated if the sale area should extend into the parking that Price Chopper will need to come before the

Commission to change the parking. Commissioner Martin asked about the meetings and classes cited on the application. Ms. Kelly O'Neill-Dicarmine, Director Design & Construction for Price Chopper, stated that they will be having internal zone and staff meetings and not require any additional parking allotment. The application stated that licenses are required to run the business but did not identify which are required. Ms. O'Neill-Dicarmine stated food service and liquor licenses will be required. The narrative stated the store will operate six days a week however, the application states operations will be seven days a week. The applicant agreed to have the minutes reflect seven-day operations.

Commissioner Stevens asked about the hours of the deliveries. Mr. Layton stated that there could be early morning deliveries and no deliveries after 10 PM. Chairman Dennis stated when Shop Rite was constructed the concern regarding sound and disruption to the neighborhoods was addressed via a large buffer and soundproof walls and was not an issue.

Chairman Dennis asked when Price Chopper is planning on opening. Ms. O'Neill-Dicarmine stated that they would like to open mid-June. Chairman Dennis requested that the elevations and colors for the façade be submitted to the Commission along with the approved site plan.

**Change of Occupant**  
**20 Wolf Road**  
**Albany Buffet, LLC**

Mr. Keith Cramer, architect, Mr. Bo Lin, Capital Buffet, and Mr. Matt Ford, representing the property owner appeared before the Commission.

Mr. Cramer stated that they have changed the parking since the first submission. They lost some parking spaces in the front and added parking along the southern property line. The applicant asked DXL to provide a count of their parking needs which is reported as less than the code requires. Based on past occupancy the applicant estimated the unoccupied space to need thirty spaces. They also reduced the seating from 288 to 250.

Commissioner Dennis discussed the parking requirements and stated that the Commission can approve the parking as submitted even if it doesn't meet the required spaces needed based on multiple tenants and times of operations. Chairman Dennis and Commissioner Curran stated that they believe there is enough parking for all tenants.

There was some confusion regarding the hours of operation. It was agreed to leave the hours of operation as listed in the application Sunday through Thursday 11am to 9:30pm and Friday and Saturday 11 am to 10 pm.

Chairman Dennis asked about the sidewalk that was added at the back of the building. Mr. Cramer stated that in addition to the sidewalk they will be adding an exit/delivery door at the back of the building with an awning. Chairman Dennis stated that this will reduce the green space which is less than code. Commissioner Martin stated that with the reduced green space being to the rear of the building he did not feel that this would take away from the overall appearance of the building. Village Attorney Caponera stated that the Commission did not have the authority to approve the reduction as they do with multiple tenant parking and therefore the site will require a variance from the Zoning Board if they want to reduce the green space further. Mr. Cramer stated that they could change it to a 5 by 5 slab with a canopy. Village Engineer Laberge stated that the canopy would not meet the setbacks and a variance would still be needed.

Village Engineer Laberge stated that the information for the grease traps needs to be more detailed and an easement with the adjacent property owner will need to be provided since they will be accessed from that side of the property beyond the property line. In addition, the signage for the ADA parking should be provided and a designated spot for bus parking should be shown on the site plan.

There was discussion regarding the dumpster enclosures. It was agreed that a chain link fence would be acceptable for the dumpster enclosure.

The applicant was encouraged to apply for a variance as needed.

**Site Plan Application**  
**560 Sand Creek Road**  
**Twin Holding 560 LLC**

Mr. Nick Costa and Ms. Kristen Blais appeared before the Commission. Ms. Blais owns the Tiny Town daycare and would like to build a 3000 square foot building containing two additional classrooms with a small kitchen area, a closet for cleaning supplies and a three-stall bathroom. The program will provide care for an additional forty school age children. Care will be provided before school, after school, during summer vacation and school breaks. Sewer and water will need to be brought in and the water line increased to six inches. They previously widened the driveway to twenty feet to improve emergency access.

Village Attorney Caponera stated that Ms. Blais previously had to go before the Zoning Board for a use variance when opening the daycare. At that time, it was determined that Ms. Blais was operating a daycare not a school. Ms. Blais will now be required to go before the Zoning Board to request an amendment to the original approval.

There was some discussion regarding alternative locations for the proposed building. Commissioner Martin asked if Ms. Blais considered placing the building at the rear of the current building. There was also discussion as to any additional landscaping and buffering for the new building locations due to proximity to residential housing. Village Attorney Caponera read code 242.8 D-5 regarding buffer areas. Ms. Blais stated that she feels that this would be the best location for the building based on buffer areas and placement of snow when being plowed.

Commissioner Martin made a motion to deny the Site Plan Application due to the modification needed to the preexisting use variance. The motion was seconded by Commissioner Stevens.

**Vote:** unanimous to approve

**Change of Occupant**  
**59 Broderick Street**  
**Home Auto Window Tinting Business**

Chairman Dennis stated that he requested that the Home Auto Window Tinting Business be put on the agenda for the board to discuss since the Commission is unable to officially meet to discuss. Chairman Dennis also stated that they would not be rendering a decision tonight.

Village Attorney Caponera clarified that the previously stated thirty days for a decision was incorrect. The Commission has sixty-two days to render a decision.

Commissioner Kendall asked if the variance that has been granted by the Zoning Commission stays with the property if sold. Village Attorney Caponera stated Code 242-5 H, Home Occupation, Section O

states that approval is nontransferable and ends with use by the current property owner.

Chairman Dennis stated that he is having a hard time deciding based on Section 242-5 H (p) of the Village Code, which refers to maintaining the character and appearance of the neighborhood. Commissioner Martin asked if there was any clarity on this requirement in the Code. Village Attorney Caponera stated that it is up to the discretion of the Commission members to decide what that means.

Commissioner Martin asked if the screened porch was considered when the Zoning Board made their decision. Village Attorney Caponera stated that only the house was considered when determining the floor space. He stated if the porch was considered it would not have been required to go to Zoning.

Village Attorney Caponera stated the restrictions placed on the site by the Zoning Board were placed based on the comments by the public and the Planning Commission can place further restrictions if they approve the application.

Commissioner Curran stated that the code for Home Occupancy in a residential district allowed the applicant to apply for approval. Commissioner Curran asked when it will be put on the agenda for approval since the applicant has a right to have an answer. Village Attorney Caponera stated the Commission has until April 2, 2024, to render a decision.

### **Discussion:**

Commissioner Martin asked when 1537 & 1539 Central Avenue will return to the agenda. New documentation has been received and distributed to members for review. Village Engineer Laberge will review

and send a letter with his comments for the March 5, 2024, meeting. Village Engineer Laberg and Village Attorney Caponera both stated they will not attend that meeting.

One Park Place – Village Attorney Caponera read a letter written by former Mayor Milton in 1977 stating that the Village will accept and maintain the access road when completed. Village Engineer Laberge stated that the state can be contacted and the permit for the road pulled. Engineer Laberge stated the mayor, and the Board of Trustees will need to address this issue.

Hoffman's Car Wash – Village Attorney Caponera has spoken with Mr. Hoffman and Mr. Polumbo regarding moving forward on the project since they are technically in violation of the current site plan. Planning Coordinator Rueckert had sent a letter requesting same and has a call to return to Mr. Palumbo.

Stewart's – Updated site plans were received with the requested changes. The Village Engineer Laberge will review and send a letter with any further concerns.

Chipotle – The Village is waiting for the necessary permits before signing the site plan.

Vly Road Hosing Project – Village Engineer Laberge will review and send a letter with his concerns.

Commissioner Martin made a motion to adjourn at 8:35 PM.  
Commissioner Stevens seconded.

Vote: unanimous to adjourn

Respectfully Submitted,

Joan Rueckert - Planning Coordinator