



Village of Colonie
VILLAGE HALL
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CLERK

Minutes
Tuesday, May 7, 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, May 7, 2024.

ROLL CALL: Chairman: Chris Dennis

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

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

Liaison: Frank A. Prevratil

Chairman Dennis opened the meeting at 6:30 p.m., Commissioner Martin led the Pledge of Allegiance and requested that all electronic devices be turned off or muted. The Commission reviewed the regular meeting minutes from April 16, 2024. Commissioner Martin made a

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

Vote: unanimous to approve

Change of Ownership
1593 Central Ave. Suite H
Himalayan Foot Spa

Mr. Jam Yong appeared before the Commission for the Change of Ownership. Mr. Yong stated they have made no changes to the business or the building where the business is located.

Commissioner Martin made a motion to approve the Change of Ownership for Himalayan Foot Spa located at 1593 Central Ave, Suite H. Commissioner Splonskowski seconded the motion.

Vote: unanimous to approve

Change of Occupant
16 Computer Drive West Suites 100 & 105
NYS Insurance Fund

Village Engineer Laberge stated that the NYS Insurance Fund located at 16 Computer Dr., owned and operated by a Laberge affiliated group will be leasing temporary office space for IT. The insurance fund is in the process of building a new building and needs temporary space until the building is done.

Commissioner Martin made a motion to approve the Change of Occupant for The NYS Insurance Fund located at 16 Computer Drive West Suites 100 & 105. Commissioner Splonskowski seconded the motion.

Vote: unanimous to approve

Discussion:

Chairman Dennis stated that he had three projects he wanted to discuss.

3 Fritz Blvd. -

Chairman Dennis stated that Mr. Costa has requested to meet with him and Village Engineer Laberge to discuss the landscaping for 3 Fritz Blvd. and 16 & 18 Walker Way. Chairman Dennis had an extensive conversation with Commissioner Martin regarding the vegetation as well. Commissioner Martin stated that the trees recommended on the site plan are considered an invasive species to NY DEC and they should be replaced with something like crab apples or service berry and possibly add an oak tree for each of the sites. A meeting date will be scheduled.

560 Sand Creek Road -

Chairman Dennis explained that the Site Plan Application for Tiny Town was removed from the agenda because the Commission only had a preliminary site plan and had not received any additional plans to review.

Village Attorney Caponera stated that at the Zoning Board meeting Tiny Town had presented color coded elevations with more information that he thought would be submitted to the Planning Commission for review. Chairman Dennis stated that since they received the Zoning variance Tiny Town should go to final engineering drawings, a complete application which includes sidewalks, landscaping, hours of operation, entrances, the playground labeled, etc.

Village Attorney Caponera stated there had been questions regarding the roof elevations by a neighbor. The neighbor stated that they have a pool and don't want anyone looking in their yard. At the Zoning Board meeting Ms. Blais stated that it won't be used that it's just a façade. Village Attorney Caponera suggested they discuss modifying the roof. There was also a question about the location of the entrance.

Commissioner Martin asked if this is a use variance. Village Attorney Caponera stated no. In 2018 they were granted a use variance because the use wasn't allowed in that zone. The Appellate Court in the State of NY has ruled if you come back with the same use which you want to expand on, you do not have to prove use variance criteria. Instead, it goes back to the criteria for an area variance. It's a modification of a pre-existing use variance and did not have to meet use variance criteria. Commissioner Martin stated it isn't clear in the minutes from the Zoning meeting what it was. Village Attorney Caponera stated it was an amended use variance.

Chairman Dennis stated that the question came up in the public hearing for the Zoning meeting asking if Tiny Town can keep coming in for additions. Village Attorney Caponera stated that the courts have determined that the Zoning Board cannot say that an applicant can't come back. The Planning Commission can look at the totality of a development and the future and put conditions on a project.

Commissioner Splonskowski stated that the original application had stated there would be no expansion. He stated that he possibly wouldn't have voted to approve if he had known that there would be expansion. Commissioner Curran stated the expansion is not the original building. Chairman Dennis expressed his concerns with the way the driveway is designed that additional expansion could take place. This could result in a traffic issue.

Village Engineer Laberge asked if everyone is in approval of where the building is located. Chairman Dennis stated the neighbors who have contacted him didn't have a problem where the building is going to be located but questioned the entrance location.

There was discussion of the building location and orientation regarding parking and access to utilities.

Taco Bell-

Although the application was not on the agenda two residents had requested to speak to the Planning Commission regarding the Taco Bell sketch plan proposal.

Mr. Mike Capitula – 1 Nicholas Drive

Mr. Capitula expressed his concerns regarding the undersized street of Nicholas Drive. Mr. Capitula stated that Nicholas Drive is a total forty foot right away not the typical fifty foot. This would move the project east. He also spoke about the right in and right out on Central Ave. Mr. Capitula does not feel that a Taco Bell is in harmony with a neighborhood. He spoke about the other fast-food restaurants in the Village that are backed by commercial areas not neighborhoods. Mr. Capitula asked if the Commission has considered their own traffic study. Chairman Dennis stated that he had discussed this with Village Attorney Caponera.

Mr. Capitula stated that a resident has foiled the police incident reports for 56 Wolf Road to present to the Commission as well.

Paul Milovach – 7 Gabriel Way

Mr. Milovach spoke about shifting the building to the east would reduce the roadway. He expressed his concerns regarding the tractor trailers associated with deliveries to Taco Bell. Mr. Milovach stated the Taco Bell needs to be in a more commercial area and the neighborhood

is planning on presenting a petition which will show a unified front. The entire development does not want this in their neighborhood.

Mr. Milovach asked if DOT can be asked to widen the street because there are currently drainage issues.

Chairman Dennis asked Village Attorney Caponera how we should proceed. Village Attorney Caponera noted that it was unusual to hear from neighbors when the applicant is not present. Village Attorney Caponera stated that now that the Board has seen the sketch plan Village Engineer Laberge can respond with the Boards comments.

Village Engineer Laberge will draft a letter of the Commission's comments for the next meeting to be reviewed by the Commission.

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Commissioner Martin expressed his concerns regarding Airbnb's in the Village. Commissioner Martin asked if a draft should be proposed for our code with restrictions/limitations. Village Attorney Caponera stated it would require a change in the Village law. This would result in a challenge in court. Currently the law stating that an individual can not stay in a motel for more than 30 days is being challenged in court.

Commissioner Martin is also concerned about home occupation business. He would like to request that the Board of Trustees put a moratorium on home occupation business until the code can be refined stating what specifically a home occupation business would be.

Commissioner Martin made a motion to adjourn the meeting at 7:40 PM. Commissioner Splonskowski seconded the motion.

Vote: unanimous to adjourn

Respectfully Submitted,

Joan Rueckert - Planning Coordinator