



*Village of Colonie*  
**VILLAGE HALL**  
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**MARK P. STEVENS**  
TRUSTEE

**JAMIE L. BLOT**  
CLERK

**Minutes**  
**Tuesday, July 2, 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, July 2, 2024.

**ROLL CALL:** Chairman: Chris Dennis

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

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

Liaison: Frank A. Prevratil

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 June 2, 2024. Commissioner Martin made a motion to

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

Vote: unanimous to approve

**Change of Occupant**  
**32 Wolf Road**  
**Spirit Halloween**

Ms. Lisa Lyons was not present when the Commission made the decision to approve the Spirit Halloween application due to a traffic delay. Ms. Lyons did attend the end of the meeting and was informed that Spirit Halloween was approved. There was no discussion regarding the application. This is the same use as was in the Barnes & Noble space since 2009.

Commissioner Martin made a motion to approve the Change of Occupant for Spirit Halloween located at 32 Wolf Road. Commissioner Hart seconded the motion.

**Vote:** unanimous to approve

**Change of Ownership**  
**134 Lincoln Ave. Suite 302**  
**A & R Autoworks**

Mr. Joe Clark, property owner, appeared before the Commission. Mr. Clark stated that this was a change of ownership only and the business name will remain A & R Autoworks. Mr. Clark was asked what the business was previously approved for. Mr. Clark stated they were doing body wraps and window tints. Village Attorney Caponera asked if it was the sale and service of motor vehicles or motor repairs. Mr. Clark stated that they were working on motors. Village Attorney Caponera stated

that he would like to see what the business was approved for because auto repair is not allowed in the Commercial D zone. Auto repair is allowed in Commercial A zone. The application was tabled until the next meeting with the request that a full explanation of the business be submitted with clarification of the name of the business.

**Change of Occupant**  
**134 Lincoln Ave. Suite 202**  
**Eagle Eye Automotive**

Mr. Joe Clark, property owner, Mr. Matthew Falconio, and Mr. Jason Wright, business owners appeared before the Commission.

Village Attorney Caponera read the narrative of what was approved previously for 134 Lincoln Ave. Suite 202, stating, "this is a powder coating business for metal materials that stops them from corroding, baked into a hard paint, in an oven/powder booth, nothing gets exhausted. They apply powder coatings to non-metallic substrates such as plastics and medium density fiberboard as well as railings, car frames, car rims, bike frames and anything metal or aluminum. This process requires no smells or harmful chemicals."

Mr. Falconio stated that they do minor mechanical upgrades and add ons for motorcycles and automobiles. They do not do any types of flushing of fluids, swap engines out or transmission removal. They perform minor mechanical things like alternators, batteries, pumps, bulbs and wipers. Village Attorney Caponera asked Mr. Falconio if it's basic automotive repair. Mr. Falconio stated, "in a nutshell, yes". Village Attorney Caponera stated that automotive repair is not allowed in a D zone, it is in an A zone. Specifically in an A zone the sale and service of motor vehicles, mobile homes, boats providing all service and repair take place within an enclosed building.

Commissioner Martin asked for clarification that the board will need to deny the application because it is not an allowed use in Commercial D and if the applicant wishes to go into the site they will need to apply for a variance and submit an application with a completed site plan with the location of the business and an updated Change of Occupancy application when they submit to the Zoning Board. Chairman Dennis stated they will need a floor plan in addition to the site plan.

Commissioner Martin made a motion to deny the application for Eagle Eye Automotive located at 134 Lincoln Ave. due to unallowed use in Commercial D. Commissioner Hart seconded the motion.

Vote: unanimous to deny

Site Plan Application

3 Fritz Boulevard

16 Walker Way

Mr. Joe Clark, property owner, appeared before the Commission. Mr. Clark stated that the two sites had been requested to have more landscaping. Mr. Clark believes that Chairman Dennis, Village Engineer Laberge had met with Mr. Nick Costa to discuss, and this was the result of the meeting.

Chairman Dennis stated they had met, and spoken to Mr. Martin, Mr. Costa was not there but the information had been sent to him. The resulting plans do not have all the suggestions that were made.

Chairman Dennis explained that they were placing smaller, flowering serviceberry trees at all building entrances. The plan for 3 Fritz Blvd. as presented is correct. The plan for 16 Walker Way needs to have the Cleveland Pear removed and there should be seven maples along Walker Way. Commissioner Martin requested that a red oak or pin oak

be placed on the turn. Chairman Dennis requested that the maples be red maples.

Commissioner Hart asked if the parking needs to be addressed. Village Attorney Caponera stated that we had approved of the parking and only needed the landscaping to be corrected.

Mr. Clark needs to submit the updated corrections to the plan and the Commission will then act on the proposal.

**Site Plan Application**  
**1535, 1537 and 1539 Central Ave.**  
**Hospitality Syracuse Inc.**

Mr. Tim Freitag, Bohler Engineering, appeared before the Commission with an updated application for Taco Bell at 1535, 1537 and 1539 Central Avenue.

Chairman Dennis stated for procedures, the Village will do the coordinated review for the SEQRA applications. Village Engineer Laberge is not present tonight. The Commission cannot act on the application until the SEQRA has been completed. Mr. Freitag asked if the Village would be submitting the County Referral. Village Attorney Caponera asked if we had approval from the county. Planning Coordinator Rueckert stated that the Commission had not given approval for it to be submitted but that she would do so.

Mr. Freitag asked if a formal public hearing needed to be set. Chairman Dennis and Village Attorney stated that a public hearing is not required.

Mr. Freitag gave an overview of the past year regarding the project. He stated that the full application has been amended to include all three properties, an EAF, a traffic impact study, full engineering site

development drawings, response to comment letter from Village Engineer Laberge, eliminated parking in front of the trash enclosure, updated truck turning movements to not impact any of the parking spaces, adjusted the rear berm to accommodate off site storm water that trespasses onto the back of the property, increased the site to thirty three percent green space with over half located in the front yard, the drive thru headlights no longer interfere with the neighbors to the east, lighting has been reduced for the neighbors to the back, responded to storm water, utility and snow comments. A traffic impact study was submitted prepared by GTS Consulting that analyzed the submitted plan with the right in, right out to Route 5 to reduce potential impacts to Nicholas Drive. Mr. Freitag then read the conclusion of the study which stated that the proposed development will have no notable or significant impact on traffic operations in the area. The development will have only 1-2 vehicles entering and exiting during each cycle of the adjacent traffic signal. There are no operational concerns at the adjacent intersection and no significant concerns with queues impacting access to/from the site. There are no mitigation measures recommended.

Comments have been received from Village Engineer Laberge since submission and after his review of submitted materials. The highlights include the question of using ninety-degree parking instead of the angled parking shown on the plan. Mr. Freitag stated that the angled parking was to avoid confusion of wrong way or on-site circulation. The applicant was to reduce the pavement in the frontage by eliminating the by-pass lane. The purpose of the two lanes is, one is a drive-thru and the other a bypass lane. It allows recirculation back to the parking lot or Nicholas Drive during heavy traffic times. There was focus on the residential area in the back. It will be bermed with added vegetation and other items requested by the Laberge group. The application has been submitted to NYSDOT. It is currently under review.

The letter from Village Engineer Laberge also provided comments regarding storm water, snow, landscaping, and lighting. There were comments regarding the traffic study that indicate a conservative approach was taken with data. Updated traffic information will show the National average of traffic is higher than the traffic generated at a quick serve restaurant. Finally, it was requested that the three parcels be merged, and clarification be provided for garbage pickup. Pickups will be three times per week.

Village Engineer Laberge offered an alternative plan of rotating the building ninety degrees. The applicant feels the alternative layout would impact the circulation of traffic, reduces visibility and impacts traffic safety. Mr. Freitag stated that it is not a viable option.

Chairman Dennis stated he would like to give each Commission member the opportunity to ask any questions they may have. The public will be able to make comments after the Commissioners questions. Chairman Dennis requested that the public state their name, address and not repeat the same information over and over.

Commissioner Kendall stated the site plan updates look good. She questioned the hours of operation and if they can be adjusted. Mr. Freitag stated they are listed on the application.

Commissioner Hart stated that he is against the right out on Central Avenue due to it being a safety issue and will vote no. Mr. Freitag asked Commissioner Hart if he will vote no even if NYSDOT approves the plan. Commissioner Hart stated yes. He also asked what is behind the dumpster to protect the neighbors. Mr. Freitag stated they need to balance the storm water issues with the berm. Evergreens will be placed around the dumpster. Mr. Hart requested the decibels for noise volume from the drive thru. Mr. Freitag stated he will submit the cut sheets and stated that it is a fluctuating system. During the day when it

is louder, and traffic is louder, the volume of the speaker goes up and in the evening it goes down.

Chairman Dennis questioned the employee parking based on the number of employees listed on the application and the number of employees per shift. It was determined that there is enough parking for the number of employees. Chairman Dennis asked for clarification on the two lanes in front of the building on Central Ave. Mr. Freitag clarified the traffic flow coming in and out of the facility when traffic is involved.

Commissioner Splonskowski stated that most of his questions had been covered.

Commissioner Curran had no questions.

Commissioner Lemperle stated he was trying to understand the concerns that the public had regarding the backup on Nicholas Drive. He stated that the traffic study supports only a slight increase per hour. He asked if the concern was mostly because there is no out bound to Sand Creek Road.

Commissioner Hart had an additional comment. He stated that he is not opposed to the development of the property. Commissioner Hart is only opposed to the right out heading west on Central Ave. He stated if the applicant could make the plan work without the right out, he would be willing to look at it again.

Chairman Dennis stated that the Village Engineer had called DOT regarding the traffic light. Village Engineer Laberge indicated "the light is programmed to give priority approach to Nicholas Drive and Willard Avenue after a set period of green time for Central Ave." DOT was sending someone out to make sure the light is operating as stated.

Commissioner Martin asked if the closing time of one AM is a nonnegotiable item. He stated that the Commission prefers to have a more reasonable hour of closing because of noise, lighting and safety concerns.

Commissioner Martin asked about delivery times due to possible times of delivery not being allowed in the Village. Commissioner Martin expressed concern regarding the size of the delivery trucks and how that will impact coming off Central Ave. without the secondary lane being impacted. Chairman Dennis stated that the Village Engineer is concerned with this as well. He explained the delivery trucks drive over the mountable curb when turning in at similar locations.

Commissioner Martin expressed concerns regarding the time of day and frequency of garbage pick-up. Mr. Mike McCracken, Hospitality Syracuse, Inc. stated they usually pick up twice a week between seven and seven thirty in the morning and are in and out quickly. He stated they don't usually have a lot of waste. Commissioner Martin stated his concerns regarding the amount of waste, the possibility of rodents and smell if it accumulates.

Commissioner Martin asked if Mr. Freitag could speak to the traffic study. Mr. Freitag stated he can speak to some of the study but would take questions and concerns back to the traffic engineer. Commissioner Martin stated that he believes that page six of the study is misleading. Commissioner Martin stated the report cites the use of total new trips generated when evaluating the project. Commissioner Martin believes the total trips should be used in evaluating the application. The traffic study utilizes less than the actual amount of traffic that will be generated by the site, was limited for the number of days the study was conducted, and it isn't apparent that it took into consideration other trucks such as UPS/FED EX USPS

Commissioner Martin stated there was no discussion in the traffic study that regards the traffic flow at the existing light due to traffic exiting from the Northway and contributing to delays at the intersection. This could impact right in/right out access. To state that any backup onto the site is the applicant's problem is not appropriate for a project evaluation. In addition, the study did not address the peak hours that Taco Bell states are between 12:30 to 1:30 PM. The study only addressed the morning and evening rush hours. Commissioner Martin stated that this time frame should be examined with respect to Central Avenue, the Northway exit and delivery truck traffic.

Commissioner Martin asked about the site plan in the back rear corner behind the dumpster and in front of the arborvitae near a sort of drainage area what would be planted there. Mr. Freitag stated that it is grass. Commissioner Martin stated they will need to have a maintenance plan to ensure that garbage does not collect in the area and suggested the applicant could consider a rain garden for the area.

Commissioner Curran stated that she does like the right out because it does ease the traffic on Nicholas.

The meeting was then opened for public comment from the residents.

### Public Comments Planning Commission Meeting July 2, 2024

Ed Haddad – 26 Nicholas Drive

Mr. Haddad stated he is a practicing real estate attorney who has lived on Nicholas Drive since 1978. He gave a brief history of the area including the addition of the traffic light at Nicholas Drive and a new development from Nicholas Drive to the Northway. The light at Nicholas is still the only way in and out. Mr. Haddad stated he believes there are serious problems to consider in addition to the concerns of the Commission members. He believes heavy traffic will be a burden on Nicholas Drive that will only increase during the busiest times of operation, especially from the traffic coming off the Northway.

Jay Jackson – 40 Hialeah Drive

Mr. Jackson is concerned with pedestrian traffic, which has not been mentioned at all. He is concerned with vehicular traffic, the hours of operation and the noise from deliveries and garbage pick-up. He is concerned where cars will park if the parking lot fills up.

Maureen Lee – 6 Hialeah Drive

Ms. Lee asked if the Commission had reviewed the police report for the Taco Bell on Wolf Road and petition that the neighbors submitted. Commissioner Martin stated they have been received and reviewed and stated the report from the police department for the Wolf Road site shows discrepancy to the type of things that are included in the traffic study.

Paul Fredette – 7 Peachtree Lane

Mr. Fredette expressed his concerns regarding traffic and the inability of emergency vehicles getting through traffic. He is concerned with the tractor trailers blocking traffic. He also believes pedestrian traffic will be an issue.

Rochelle Fredette – 7 Peachtree Lane

Ms. Fredette believes the numerous changes to the project are an indication that the project does not belong on the selected sites. She would like to know why they are moving from Wolf Road. Ms. Fredette stated there is a drainage issue at the corner creating a pool when it rains.

Sawyer Jackson – 40 Hialeah Drive

Mr. Jackson is eleven years old and is concerned with the large construction trucks that will be used to remove and construct the building. He believes that this could cause delays in his getting home from school and safety issues.

Mike Capitula 1 Nicholas Drive

Mr. Capitula is concerned with the width of Nicholas Drive. He would like to know if there is consideration given to make the width 50' at Central Ave. because he believes it is undersized at 40'. Chairman Dennis stated that it is his understanding that it is a 50' right away and the design of the project included the 50'. Mr. Capitula asked if anyone on the Commission feels that this is incompatible with a residential area. Villag Attorney Caponera stated this is an allowed use in a commercial zone. Mr. Capitula stated he believes that this is an aggressive use for the site and not compatibility for a residential area.

Mary Troiano – 2 Hialeah Drive

Ms. Troiano is concerned with traffic and emergency vehicles getting into the neighborhood, especially at peak hours. She asked why it is moving from Wolf Road.

Brenda Nielson – 22 Peachtree Lane

She is concerned with traffic within the neighborhood and how it will affect children playing and residents walking. Commissioner Curran stated that a sign will be posted in the parking lot that states left turn only when leaving.

Dean Capriara – 11 Hialeah Drive

Mr. Capriara is concerned about traffic. He would like to know why they are moving from Wolf Road. He doesn't understand why the project is being allowed to continue to move forward and believes that it is not right for the area.

Sophie Belokopitsky 1 Nicholas Drive

Ms. Belokopitsky is concerned with the traffic from Cole's Collision and Domino's. She stated that the tractor trailers for Cole's Collision come in and out on Nicholas Drive, which was not approved, and the Domino's deliveries are coming in off Nicholas because they can't access off Central Ave. She stated Cole's was approved only through the front with the back parking for employees only. She questioned how the trucks for Taco Bell will get in off Central Ave. when other trucks are unable to enter from Central.

Commissioner Hart made a motion to adjourn the meeting at 8:17 PM.  
Commissioner Martin seconded the motion.

Vote: unanimous to adjourn

Respectfully Submitted,

Joan Rueckert - Planning Coordinator