



*Village of Colonie*  
**VILLAGE HALL**  
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**PATTY SCHWARZ LOCKART**  
DEPUTY MAYOR

**FRANK A. PREVRATIL**  
TRUSTEE

**JASON M. DEPAULO**  
TRUSTEE

**MARK P. STEVENS**  
TRUSTEE

**JAMIE L. BLOT**  
CLERK

**Minutes**  
**Tuesday, October 15, 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, October 15, 2024.

**ROLL CALL:** Chairman: Chris Dennis

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

Alternate: Carl Kuentzel

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

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 October 1, 2024. Commissioner Martin made a motion to approve all minutes as amended. Commissioner Hart seconded the motion.

Vote: unanimous to approve

**Site Plan Amendment**  
**12 Walker Way**  
**Apex Energy Tek LLC**

Mr. Mark Shippey, representing APEX Energy Tek appeared before the Commission.

Mr. Shippey stated they are proposing to install three charging stations for the fleet and employees at Schindler Elevator. One is a dual pedestal and the other a single pedestal.

Commissioner Martin made a motion to approve APEX Energy LLC located at 12 Walker Way. Commissioner Hart seconded the motion.

Mr. Joe Clark, landlord opposed the motion stating he had not been informed. Mr. Clark was informed that Lauren Baxter had signed off on the application. Mr. Clark stated the motion could proceed since she has authorization to act on behalf of the landlord.

**Vote:** unanimous to approve

**Change of Occupant**  
**14 Walker Way Suite 5**  
**Dream Lab Productions, LLC**

Mr. Aaron Kovacik, owner Dream Lab Productions and Joe Clark, landlord appeared before the Commission.

Mr. Clark stated this is an expansion into Suite 5 as they were in Suite 4 for the past three years. There will be no additional employees or parking required.

Mr. Kovacik stated the company is a professional audio, video, and lighting rental company.

Chairman Dennis asked how many vehicles are available. Mr. Kovacik stated there are two vehicles parked on the side of the building.

Commissioner Martin made a motion to approve Dream Lab Productions, LLC expanding into Section 5 and located at 14 Walker Way. Commissioner Hart seconded the motion.

**Vote:** unanimous to approve

**Change of Occupant  
134 Lincoln Avenue Suite 302  
Limitless Auto, LLC**

Mr. Ganesh Deodat, owner and Mr. Joe Clark, property owner's agent appeared before the Planning Commission.

Mr. Deodat stated he expanded AR Auto works business. He is doing vinyl wraps, tinting, audio work, detailing and car starters.

Commissioner Curran asked about the motor works that are listed on Limitless Autoworks Facebook page. Mr. Deodat stated that all motor work is being done at his other shop in Schenectady. He is looking for a place in Colonie to do motor work as well. There are no auto repairs being done at 134 Lincoln Avenue Suite 302.

Commissioner Martin made a motion to approve Limitless Autoworks, LLC located at 134 Lincoln Avenue Suite 302. Commissioner Hart seconded the motion.

Commissioner Martin amended the motion to approve Limitless Autoworks, LLC located at 134 Lincoln Avenue, Suite 302, under Section 242-12-C (6) the Planning Commission has combined consideration for a special permit with consideration of an applicant for Change of Tenant and therefore waves the requirement for special permit and acts upon the application for Change of Tenant. Commissioner Hart seconded the motion.

**Vote:** unanimous to approve

**Site Plan Application**  
**1535 – 1539 Central Avenue**  
**Taco Bell**

Chairman Dennis stated the applicant will make their presentation, the Commission members will ask their questions, the public will be allowed to speak and then if a motion is appropriate for approval or denial it will be made.

Mr. Tim Freitag, Bohler Engineering, appeared before the Planning Commission. Mr. Mike McCracken, Hospitality Syracuse Inc., was present as well to answer questions.

Mr. Freitag resubmitted a comprehensive packet on October 4, 2024. He then received a letter from Village Engineer Laberge on October 11, 2024, which provided comments on the submission. Mr. Freitag provided further documentation to the Commission this evening that addressed some of the comments.

Mr. Freitag stated the two submissions address all the discussion items from the September 17, 2024, meeting, additional survey to verify the topography of the area, infiltration testing to verify groundwater infiltration rate extended the berm along the frontage and side of Nicholas Drive -increasing what was originally provided to a 2 ½ ft. tall berm along Nicholas Drive and 1 ½ ft. tall along the frontage. Green space along Nicholas Drive has been increased from 20.3 ft. to 23.4 ft. This has provided a little over three feet of additional green space.

Plantings have been extended over the entire length of the berm. The buffer in the back was realigned with staggering the tree line and spacing. The rain garden suggestion was looked at but the applicant expressed concerns about the maintenance, instead arborvitae were provided. A six-foot-tall fence was added along the property line of the neighboring building.

The right- in- right- out entrance was adjusted per DOT review. DOT also provided acceptance in writing their approval of the right in and right out.

Updated elevations have been provided, as well as details about equipment including rooftop units and condensers, and summarized assessments on noise in accordance with the Village Code. The applicant is going to give the Village an additional five feet along the sewer easement along the frontage. The applicant has also agreed to DOT requests for improvements along the pedestrian area of Route 5 and Nicholas Drive along with replacing the sidewalk along the entire frontage.

The project meets the Village code for use and setback requirements and regulations, is providing an enhanced landscape in the rear, of a buffer that currently does not exist. The applicant is seeking approval of the application and SEQRA.

Village Engineer Laberge reviewed his letter of October 11, 2024, stating the applicant needs Planning Commission approval, DOT Highway Work Permit, and Village DPW water and sewer approval. The Planning Commission also needs to act on SEQRA. The coordinated review has been completed.

Village Engineer Laberge provided information regarding the outdoor sound ratings. They will need to enhance noise reduction after 9 PM. This might be accomplished by turning the units. The final analysis could be a condition of approval. The three parcels need to be merged. The easement map and description for the Village's Sanitary sewer need to be provided to the Village attorney. A light pole may need to be relocated and signed and sealed documents will need to be submitted.

Commissioner Martin asked if the HVAC area is operation 24/7. Mr. MrCraken stated yes. Commissioner Martin asked if the rear area where the tree has been added will cause any difficulties with utilities. Mr. Freitag stated he didn't believe it will. It's a depressed area where all the neighboring drainage flows to the area. They didn't want to block drainage from the rear properties. The topography still allows it with the tree. Commissioner Martin stated the arborvitae has the potential of failing because of the amount of wet in the area. Mr. Freitag addressed the concern stating the drainage from our site will be disconnected and reduce the drainage to the area.

Commissioner Martin asked Village Engineer Laberge if he had looked at the soil erosion plan and if it is appropriate. Village Engineer stated that it is.

Commissioner Martin asked if they are adhering to the 7 AM to 1 AM hours of operation. Mr. Freitag stated they are.

Commissioner Lemperle had no questions.

Commissioner Curran had no questions.

Commissioner Kuentzel had no questions.

Chairman Dennis had no questions.

Commissioner Splonskowski asked about the tower and signage on the elevation plan. There was discussion regarding the height of the parapet. Village Counsel Caponera stated the sign may have to be reduced based on the Village Code.

Commissioner Hart stated that his concern has been regarding the right in and right out. DOT has accepted the right out so he will agree with it. Commissioner Hart asked who makes the determination regarding the sound. Village Engineer Laberge stated that he recommended that it comes back to him for approval.

Commissioner Kendall had no questions.

Commissioner Martin made a motion to approve the SEQRA stating there is no environmental impact. Commissioner Hart seconded the motion.

Vote: unanimous to approve

The floor was then open to the public.

Peter Gillette - 21 Peachtree Lane

Mr. Gillette stated that he doesn't think Taco Bell is a good fit for the neighborhood and believes it would be a big mistake. He believes we can do better. The noise and being open until 1 AM is going to be a mad

house. Rush hour traffic is difficult and is going to make getting in and out of the neighborhood difficult. Emergency services will have difficulty

as well. Common sense says it isn't a good idea.

Mike Capitula – 1 Nicholas Drive

Mr. Capitula is concerned about the hours of operation. His house is about twenty-five feet from the proposed Taco Bell. He looked at the hours of operation of other food establishments, DQ closes at 11 PM, Chipotle will be closing at 10 PM, and McDonalds closes at 10 PM. Mr. Capitula is also concerned about the noise from the drive through window, especially late hour ordering. He is concerned about the drainage that currently falls on 1539 Central Ave. The water comes from the road and pools behind the property. How will the water be disposed of? Where is it going to go, is there going to be enough drainage? The water is not near the storm sewer on 1535 Central Ave. He appreciated the fence that will be put up but is concerned overall regarding the hours of operation, the noise and drainage.

Sophie Belokopitsky -1 Nicholas Drive

Ms. Belokopitsky shared photos regarding the drainage concerns.

Rochelle Fredette – 7 Peachtree

Ms. Fredette is unhappy regarding the hours. She spoke of the difficulties in the past when the bowling alley was operational.

James Alt – 1 Hialeah Drive

Mr. Alt voiced his concerns regarding the noise and traffic. He would like the Commission to consider the preservation of the neighborhood.

Commissioner Hart asked about signage coming off the property that states No Outlet. Mr. Freitag stated that nothing has been determined



yet regarding wording. Chairman Dennis stated a No Outlet sign would go through the Board and DPW.

Paul Fredette – 7 Peachtree Lane

Mr. Fredette feels that this project would be better accommodated in other areas of Central Avenue. He would also like to request the No Outlet sign.

Mille Powers – 14 Nicholas Drive

Ms. Powers has lived at this address for sixty years and does not approve of the project.

Robin Pelligrino – 17 Peachtree Lane

Ms. Pelligrino spoke about the mission of the Planning Commission as reported in the Village by-laws and believes that the Commission has failed in its mission because not one resident has spoken in support of the project.

Village Counsel Caponera stated that the Commission can act on the project.

Mr. Freitag stated that he appreciated the pictures that were provided regarding drainage. He stated the site is old and has drywells that have not been maintained. All pavement and drywells will be removed, and new catch basins and underground drainage system will be installed. This will help with the drainage issue and has been submitted and reviewed by the Village.

Commissioner Curran made a motion to approve Taco Bell located at 1535 -1539 Central Avenue subject to recommended conditions a – f in the Laberge Group letter dated October 11, 2024. Commissioner Hart seconded the motion.

Chairman Dennis – yes

Commissioner Lemperle – yes

Commissioner Curran – yes

Commissioner Splonskowski – Yes

Commissioner Martin – no due to the hours of operation and if the peak traffic is as stated in the applicant’s traffic study, then the site may not work.

Commissioner Hart- yes

Commissioner Kendall – no due to the hours of operation and traffic

**Vote:** Passed 5 to 2

Discussion:

There was discussion regarding the landscaping submission of the Prince Tea House. Chairman Dennis and Commissioner Martin will meet at the site and provide Village Engineer Laberge with proposed plantings to share with the applicant’s engineer.

Discussion regarding a proposal for an apartment at 3 Nicholas Drive.

Commissioner Hart made a motion to adjourn the meeting at 8:15PM. Commissioner Martin seconded the motion.

Vote: unanimous to adjourn

Respectfully Submitted,

Joan Rueckert - Planning Coordinator