

# Village of Colonie



## ZONING BOARD OF APPEALS

ALBANY COUNTY  
NEW YORK

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### MINUTES WEDNESDAY, JUNE 5, 2019 7:00 PM

The regularly scheduled meeting of the Village of Colonie Zoning Board of Appeals was held on Wednesday, June 5, 2019 at 7PM. The meeting was called to order by Chairman Van Buren at 7:00 p.m.

ROLL CALL:

Chairman:	Lou Van Buren
Members:	Frank Prevratil Trevor Normandin (Absent) Joshua Rowinski
Alternate:	Jim Splonskowski Phil Minissale
Counsel:	Victor Caponera
Liaison:	Trustee Murphy

Chairman Van Buren called the meeting to order with the Pledge of Allegiance and indicated the exits.

The minutes from the March 6, 2019 were reviewed. Commissioner Prevratil made a motion to approve the minutes. Commissioner Minissale seconded the motion.

VOTE: All in favor of the motion.

**APPLICANT:**

**3 VICS COURT  
JEFF & ANITA GREEN  
(AREA VARIENCE)**

Mr. Jeff Green of 3 Vics Court came before the Zoning Board of Appeals to request a variance for a 6 foot fence on the right side of his property and land adjacent to but not directly in front of the house. Mr. Green stated he has lived at this residence since 1978 with his father's house adjacent to his at 59 Broderick Street. Mr. Green stated his father has since been moved to a nursing home and the property has been sold, however Mr. Green stated he had purchased 60 feet of the adjacent property to expand his yard, as well as sentimental purposes. Mr. Green wishes to put up the 6 foot fence to match the existing stockade fence in his yard as well as to add privacy to his backyard and for safety purposes because of the pool in his backyard. Mr. Green stated his wife wishes to use the additional land for perennial gardens.

Mr. Green provided the Board with 29 signatures from residents and neighbors in support of the fence, along with photographs showing the fence would not obstruct the view of cars turning the corner from Vics to Broderick as well as his wife's garden that will be added to with the fence up.

Commissioner Prevratil stated while this is a beautiful fence, other neighbors may see the fence and want the same thing in their yard, creating a stockade along Vics Court. Mr. Green stated the new family that moved in next door has 5 children, including a child with special needs, so the safety factor is very important. Attorney Caponera asked the applicant if the fence company would make a 4 foot fence, would he consider putting a 4 foot fence along the front, with the 4 foot fence being allowable without a permit. Mr. Green stated he would consider it, but would prefer the 6 foot fence for safety and privacy purposes. Commissioner Prevratil stated this is a self-created hardship, as this is not the original property, but purchased property Mr. Green acquired.

Commissioner Prevratil stated if they granted the variance, they would be setting a precedent for the rest of the Village, adding they have to justify everything they do. He added he could not justify giving the variance to Mr. Green and not someone else in the Village who would want the same thing. Mr. Green stated most houses are not corner house that do not have side yards and that this is a unique property.

Ms. Kathy Guiliano of 62 Broderick Street spoke in support of Mr. Green and does not understand why he could not what he wished with his own property.

Commissioner Rowinski stated he had no issues with the proposed fence, stating it is offset enough from the road and not in front of the house. Commissioner Rowinski stated that if the applicant wished to put a 6 foot fence on his side yard he should be allowed to have one.

Commissioner Prevratil made a motion to deny the applicant due to the record of the law and a self-created hardship. Commissioner Splonskowski seconded the motion.

**VOTE:**

Chairman Van Buren	Yes
Commissioner Rowinski	No
Commissioner Minissale	No
Commissioner Splonskowski	Yes
Commissioner Prevratil	Yes.

The motion passes with a 3/2 majority.

**APPLICANT:**

**1770 CENTRAL AVENUE  
PIONEER BANK  
(Rehearing)**

Attorney Nia Cholakis and Rosetti Properties representative Adam Leonardo came before the Zoning Board of Appeals to request a rehearing on the decision regarding the Pioneer Bank at 1770 Central Avenue. Ms. Cholakis stated the variance that was applied for was for a 3 foot overhang of the entryway canopy. The variance was granted, on the condition an emergency exit was installed in the building. Ms. Cholakis stated a second door is not only not possible for this building, but is not required by code. The applicant is looking to have the condition eliminated.

Commissioner Prevratil made a motion to remove the condition of the previous approval. Commissioner Minissale seconded the motion.

VOTE: All in favor

Commissioner Prevratil made a motion to approve the application as submitted. Commissioner Minissale seconded the motion.

VOTE: All in favor

Chairman Van Buren made a motion to adjourn the meeting at 8:25PM. Commissioner Rowinski seconded the motion.

VOTE: All in favor of the motion.

Respectfully Submitted,

Julianne Okun  
Zoning Coordinator