



# Village of Colonie

VILLAGE HALL  
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**THOMAS J. TOBIN**  
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## MINUTES

**WEDNESDAY, JANUARY 6, 2021**

**7:00 PM**

**EDWARD SIM**  
DEPUTY MAYOR

**PATTY SCHWARZ  
LOCKART**  
TRUSTEE

**ART WHITE**  
TRUSTEE

**JAMIE BLOT**  
CLERK

The regularly scheduled meeting of the Village of Colonie Zoning Board of Appeals was held on Wednesday, January 6, 2021 at 7PM virtually on ZOOM. 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  
                      Joshua Rowinski  
                      Christopher Larabee

   Alternate:   Phil Minissale (Absent)

   Counsel:    Victor Caponera

A moment of silence was held for Zoning Board of Appeals Liaison Trustee Jack Murphy, who passed away December 26, 2020.

The minutes from the virtual May 6, 2020 Zoning Board of Appeals meeting were reviewed. Commissioner Prevratil made a motion to approve the minutes. Commissioner Normandin seconded the motion.

VOTE: Unanimous to approve the minutes.

**16 Petra Lane**  
**California Closets**  
Area Variance

Mr. Dick Hoffman of Hoffman and Reilly came before the Zoning Board of Appeals to request an area variance for California Closets located at 16 Petra Lane. Mr. Hoffman is requesting a 20-foot area variance in the front yard setback. Mr. Hoffman stated California Closets is looking to expand and put an addition on the current building, expanding towards Walker Way. Mr. Hoffman stated his client wants to make use of the land as best he can, proposing to leave access on Walker Way for trucks and deliveries. The Village of Colonie code requires a front yard setback of 45 feet for Commercial D

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zoned properties. Mr. Hoffman stated that while he is requesting a 20-foot variance, the front yard setback would be at 25 feet, which would at the requirement for a side yard setback for a property in the Commercial D zone.

Attorney Caponera stated to the board that the boundary line of 16 Petra Lane follows the curvature of Petra Lane and this proposal could not expand towards Petra Lane without violating the 45-foot front yard setback. Attorney Caponera further explained that because of the development of properties along the unimproved part of Walker Way, it is unlikely that Walker Way could be expanded beyond where it is.

Commissioner Prevratil stated to the applicant it appears as if they have done everything, they can without encroaching and that he sees no problem with extending towards Walker Way as it is not detrimental to the area or surrounding neighbors. Commissioner Normandin stated he agreed, adding that the applicant chose the right side of the building to expand upon. Commissioner Larabee stated he was also in agreement with the above stated opinions, and that granting the variance would help a local business be successful. Commissioner Rowinski stated that he was also in agreement with the above statements. Chairman Van Buren stated he was happy to see a business doing well during the COVID-19 pandemic.

Commissioner Prevratil stated this application is an unlisted SEQRA action and that no further environmental review is required at this time.

Secretary Okun stated there were no written comments submitted to the Board for consideration.

Attorney Caponera stated that when considering granting a variance, the Board needs to take into consideration:

Is the proposal undesirable? With this application, it is unlikely that Walker Way will be further developed, and this proposal will not be detrimental to the surrounding neighbors and businesses.

1. Is this proposal achievable any other way? The applicant has stated they are not able to expand towards Petra Lane, which would be the only other option.
2. Is this a self-created hardship? This application is indeed a self-created hardship; however, Attorney Caponera advised the Board that with an Area Variance, a self-created hardship would not be an automatic denial but a factor to be considered by the Board.
3. Would this variance have any adverse effect on the surrounding properties or environment? It has been determined that there would be no negative effect on the surrounding properties or environment due to the granting this variance. Mr. Hoffman stated to the Board that the irrigation and drainage system would remain unchanged and in place.

Commissioner Prevratil made a motion to approve California Closets for a 20-foot side yard setback towards Walker Way. Commissioner Larabee seconded the motion.

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VOTE: Commissioner Prevratil – YES  
Commissioner Larabee – YES  
Commissioner Rowinski – YES  
Commissioner Normandin – YES  
Chairman Van Buren – YES

Unanimous to approve the motion.

Mr. Hoffman inquired as to the modification to the parking requirements and asked if the Zoning Board would grant a parking variance to the applicant. Mr. Hoffman noted California Closets shares building space with Bryce Engineering. California Closets has 15 employees and does not see customers on site, requiring 16 spaces. Bryce Engineering has 6 employees and regularly sees about 8 customers. Mr. Hoffman is requesting the Board grant the applicant a variance for 48 spaces.

Attorney Caponera asked the applicant if there had to expand, where would the parking spaces go, with Mr. Hoffman stating parking can be added to the side yard. Attorney Caponera inquired about the greenspace, asking if the parcel has more than the required 20%. Commissioner Normandin, referencing the site plan, noted the greenspace seems to be at 28.1%, exceeding the code requirement.

Attorney Caponera asked the applicant what the greenspace would be once the building addition would be constructed. This could be an issue as it could lower the greenspace past the required amount and may need another variance. Mr. Hoffman stated that with the granting of the above variance, the greenspace would still exceed the percentage required by code. Attorney Caponera discussed with the applicant if the use were to change on the property in the future and parking requirements mandated additional parking what could be done to accommodate additional parking spaces.

The applicant stated that added parking spaces could be placed along the side yard of the site to meet any future additional parking required should the uses change on the property.

Chairman Van Buren asked the applicant to send him the plans so that he may sign off on them.

Commissioner Prevratil made a motion to grant California Closets an area variance allowing 17 less parking spaces than is required by Village code. If ownership changes, additional spaces would be taken from excess greenspace. Commissioner Larabee seconded the motion.

VOTE: Commissioner Prevratil – YES  
Commissioner Larabee - YES  
Commissioner Rowinski – YES  
Commissioner Normandin – YES  
Chairman Van Buren – YES

Unanimous to approve the motion.

**3 NASH PLACE**  
**ANTHONY & LINDA NASH**  
Area Variance

Mr. Joseph Bianchinne of ABD Engineering, along with property owners Anthony and Linda Nash came before the Zoning Board of Appeals to request a 55-foot front yard setback area variance so they may subdivide their property. Mr. Bianchinne stated his clients own several properties in the Village and wish to subdivide their land so they may build a home for their son. Mr. Bianchinne stated this is a keyhole lot adding up to 1.24 acres. Creating lot 3B would meet the Village of Colonie code requirements and would have no detrimental effects to the surrounding neighborhood, as the Nash's own most of the surrounding property. Mr. Bianchinne noted while the lot of land is large, the strip of land leading back to the lot is smaller, measuring about 20 feet across, however it would be used as a driveway to the proposed lot. The applicant noted that this is a self-created hardship, but they would not be able to build on this parcel if they are not granted a variance.

Attorney Caponera clarified to the Board that the parcel is currently considered 3 Nash Place, with the proposed variance creating 3A and 3B Nash Place. Attorney Caponera noted that assuming the applicant is granted the requested variance, the large parcel in the rear would continue to be landlocked. Mr. Bianchinne noted the parcel is land locked regardless due to the surrounding wetlands.

Commissioner Prevratil noted the submitted plans do not show details on what the house will look like. Chairman Van Buren stated this application is strictly for the subdivision of the lot, making the design of the house irrelevant. Chairman Van Buren asked if these properties would remain in the Nash family, as the Board has some concern over a 55-foot front lot width variance. Commissioner Prevratil stated he would like to see what the building will look like and what exactly will be going on the lot. Mr. Bianchinne stated that it is going to be a single-family dwelling. Commissioner Prevratil stated that would need to go into the motion, should this variance be granted.

Commissioner Rowinski stated his concern with the 20-foot driveway, noting there was a similar situation with the daycare on Sand Creek Road a few years ago. Chairman Prevratil stated therefore he is concerned with what kind of building is going on the proposed lot, as the Board wants to make sure the driveway is sufficient. Attorney Caponera clarified to the Board that §280-4 of the New York State Town Law states that 15 feet is sufficient frontage for a driveway for a residential zone.

Chairman Van Buren stated he understood the Board's concern, repeating concerns about the Daycare on Sand Creek road, noting it would be difficult to get emergency vehicles back towards the building. Commissioner Rowinski stated he would like to see the access and easement into the back lot. Mr. Bianchinne stated they are not proposing an easement with this application, with Commissioner Rowinski stating

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should the Nash's die tomorrow, there would be major issues dividing up the lot. Chairman Van Buren stated he would like to see a 24-foot-wide driveway, at the least. Commissioner Prevratil stated he agreed.

Mr. Tony Nash, owner of the property, stated they are proposing 20 feet for the driveway, and is 5 feet more than what is considered access to a public street as stated in Section 280-a of the Town Law of the State of New York. Mr. Nash stated they do not wish to spend more time and money on an issue they have already met by code. Mr. Nash stated this is going to be a single-family dwelling, not a church or daycare, and will stay within the Nash family. Commissioner Prevratil asked Mr. Nash if they could make the driveway wider. Mr. Nash stated no.

Mr. Nash expressed frustration with the Board that they are demanding something more than code requires. Commissioner Prevratil stated the Board is just concerned for safety and the ability of firetrucks to reach an emergency. Commissioner Prevratil stated the Board is not demanding anything and are simply asking questions of the applicant.

Commissioner Prevratil stated this is an unlisted SEQR action and no further environmental review is needed at this time.

Commissioner Prevratil made a motion to approve 3 Nash Place for a front yard setback variance of 55 feet based on the shape and uniqueness of the lot. Commissioner Larabee seconded the motion.

VOTE:           Commissioner Prevratil – YES  
                  Commissioner Larabee – YES  
                  Commissioner Rowinski – NO  
                  Commissioner Normandin – YES  
                  Chairman Van Buren – NO

Motion approved with majority vote.

Commissioner Rowinski made a motion to adjourn the meeting at 8:17PM. Commissioner Prevratil seconded the motion.

VOTE: Unanimous to approve the motion.

Respectfully submitted,

Julianne Okun  
Zoning Board of Appeals Coordinator  
Village of Colonie