

Village of Colonie



ZONING BOARD OF APPEALS

ALBANY COUNTY
NEW YORK

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MINUTES WEDNESDAY, MAY 6, 2020 7:00 PM

VIA ZOOM TELECONFERENCE AND LIVESTREAMED ON YOUTUBE

The regularly scheduled meeting of the Village of Colonie Zoning Board of Appeals was held on Wednesday, May 6, 2020 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
Counsel:	Victor Caponera
Liaison:	Trustee Murphy (Absent)

557A Sand Creek Road **Single Family Residence** **Vision Planning Consultants**

Mr. Ted DeLucia came before the Zoning Board of Appeals to request approval for a single-family residence for the currently empty lot on 557A Sand Creek Road. Mr. DeLucia stated he needs a variance due to the lot lacking the proper width for a single-family residence. Mr. DeLucia stated he had previously proposed a duplex, which in turn was denied due to lack frontage, lot width, as well as neighborhood concerns.

Mr. DeLucia is proposing a modest home with a 29 foot width and 36 foot depth with 3 bed and 2 baths, making the residence 1,481 square feet in total. Mr. DeLucia stated

they are unable to utilize the entirety of the lot due to the back 2 acres being wetlands and being declared “Forever Wild” by the U.S. Army Corps of Engineers. Mr. DeLucia stated the current proposal complies with everything Village Engineer R.J. Laberge had requested of them.

Commissioner Minissale stated in the previous application there were concerns with windows on the side of the building, with neighbors concerned with their privacy. Mr. DeLucia stated windows will only face the front and rear of the property, no windows will be placed facing neighbors. Commissioner Prevratil stated he thought a single-family residence would be a much better fit for the land, with Chairman Van Buren noting this proposal would be more consistent with the surrounding neighborhood.

Mr. DeLucia stated he had received no further feedback from neighbors regarding the current proposal. Attorney Caponera stated that even if the house became narrower in size, it would still need a variance, and that the applicant is limited in what can be built on this lot. Attorney Caponera did stated to the Board that this was a self-created hardship.

Chairman Van Buren asked if there had been any e-mails or calls regarding the current proposal. Ms. Okun stated no.

Commissioner Prevratil made a motion to grant a 25-foot variance for 557A Sand Creek Road for a single-family residence. Commissioner Normandin seconded the motion.

VOTE: Commissioner Larabee – Yes
 Commissioner Normandin – Yes
 Commissioner Prevratil – Yes
 Commissioner Minissale – Yes
 Commissioner Rowinski – Yes
 Chairman Van Buren – Yes

Variance granted.

10 Aldershoot Road
Garage Addition
Robert Rankin

Mr. Rankin of 10 Aldershoot Road came before the Zoning Board of Appeals to request a variance for a garage he would like to build to keep his boat in. Mr. Rankin stated he bought his house about 3 months ago and would like to install a 3rd car garage. Mr. Rankin stated he is lacking the minimum 5-foot setback for a garage but has provided the Board with a copy of the survey and elevations. Mr. Rankin stated he had spoken to various neighbors, showing them the proposed plans and received no negative feedback.

Attorney Caponera stated to the Board they must look at the criteria for granting variances, asking them to consider if this would be undesirable or a detriment to the

neighborhood. Mr. Rankin stated he thought his addition would add value to the area and would be an asset to the community and surrounding areas. Attorney Caponera asked the applicant if he could achieve what he wished to accomplish by some other method. Mr. Rankin stated these are the only plans that will work as the room towards the back of the garage is the master bedroom and there is no more room to move the space for the boat. Mr. Rankin stated he thought this would be a better way to store his boat rather than and more desirable visually than a carport. Attorney Caponera stated to the Board that this situation is a self-created hardship, and that it is the applicant's responsibility to know what is allowable before proposing the application.

Attorney Caponera read into the record letters in opposition submitted by Mr. Jeff Sterge of 12 Aldershoot Road as well as Mr. Sigmund Peplowski of 9 Aldershoot Road. After Attorney Caponera finished reading the letters, Mr. Rankin said he was surprised his neighbors submitted such letters, as he had previously spoken to Mr. and Mrs. Sterge regarding his plans and mentioned he even spoke to the couple earlier that day with no mention of the opposition. Mr. Rankin said he owns two boats and was trying to do his neighbors a favor so they would not have to look at boats. Mr. Rankin stated he was trying to be a good neighbor and was disappointed in the letters submitted by his neighbors.

Commissioner Minissale asked Mr. Rankin if he can store his two boats at the marina in Schenectady. Mr. Rankin stated that would not be an option. Mr. Rankin asked if a 5-foot variance is uncommon for the Board to grant, and referenced the 4-car garage on Sunset Blvd. Commissioner Prevratil asked Mr. Rankin if he could re-work his garage or if he could re-think the current plan. Mr. Rankin stated there is no other viable plan as the way the house is constructed and the amount of cars the garage could fit.

Mr. Rankin stated he thought boats just being parked in a driveway would be an eyesore to neighbors and passersby and was trying to add value to the properties around him. Mr. Rankin stated he tried to design his garage to be more residential looking to fit the surrounding properties. Commissioner Prevratil stated he would like to see Mr. Rankin try and rework his plans and talk to his neighbors. Mr. Rankin stated he had already spoken to his neighbors about the current plans and they had no issues. Mr. Rankin stated these were the only possible plans for the garage.

Chairman Van Buren explained to Mr. Rankin that the one thing the Board should follow through with is consistency, and that the Board has never granted the percentage of variance the applicant is requesting. Chairman Van Buren stated Mr. Rankin could ask for an adjournment and return to the Board with new plans next month. Commissioner Prevratil stated that Mr. Rankin could reconfigure the stairs so the existing garage would be enough to fit 2 cars and a boat. Mr. Rankin stated the back wall of the garage is the wall of the master bedroom and the current plans are the only workable plans.

Attorney Caponera asked the Board if they felt this would be an undesirable change to the surrounding neighborhoods and would have an adverse effect. The board agreed that it would be. Chairman Van Buren stated that because the proposal would have an

adverse effect on the neighborhood, the Board could not support or approve the application.

Commissioner Prevratil made a motion to deny the 5-foot variance requested by Mr. Rankin to build a garage addition. Commissioner Minissale seconded the motion.

Vote: Commissioner Larabee – Yes
 Commissioner Normandin – Yes
 Commissioner Prevratil – Yes
 Commissioner Minissale – Yes
 Commissioner Rowinski – Yes
 Chairman Van Buren – Yes

Variance denied.

14 Locust Park

Pool Permit

Nikki Shapiro & Shawn Sharer

Ms. Shapiro and Mr. Sharer came before the Zoning Board of Appeals to request a 5-foot variance for an above ground pool. Attorney Caponera stated to the Board the code allows for 10 feet from the pool to the property line. Mr. Sharer stated they are replacing their current above-ground pool in the exact same location, noting the new inground pool will be farther away from the property line than the current pool. Attorney Caponera asked if the speckled area on the plans is concrete decking with Mr. Sharer is stating yes. Attorney Caponera asked if they would be able to slide the pool over to be closer to the existing concrete patio. Ms. Shapiro stated they would need to have their lawn regraded and there would need to be more excavation to do that and they are already at the maximum of their budget.

Ms. Shapiro stated there are no neighbors behind them, it is just the Goldstein building, and noted there were letters in support of their project submitted by their neighbors. Ms. Shapiro stated that with the current global circumstances, this is the most cost-effective plan and they want to utilize what is already dug up from the previous pool. Mr. Sharer stated they also do not want to dig up the rest of their yard, as they have limited green space to begin with. Commissioner Prevratil stated he understood the cost issue but encouraged the applicants to talk to the contractor to see what the actual cost would be to move the pool closer to the existing patio.

Commissioner Rowinski stated that he sees how narrow this property is and acknowledges the applicants are trying to make the best fir for their yard, with still wanting to have room to entertain but not have it be too congested. Commissioner Rowinski also noted the pool they are looking to get is a smaller sized pool for a smaller yard. Commissioner Prevratil the Board would be favorable to grant a 2 foot variance as opposed to a 5 foot variance and encouraged the applicants to try and move the pool

over. Commissioner Rowinski pointed out that with even 2 feet the applicants would still need to return for a variance anyway.

Attorney Caponera stated the Zoning Board of Appeals has never granted a 5-foot variance before, with Chairman Van Buren noting the most he believes they've granted is a 3-foot variance. Attorney Caponera stated the applicants could accept a vote tonight or request an adjournment and return with reconfigured plans, noting to the board this situation is a self-created hardship. Mr. Sharer stated he would like to see a vote from the Board.

Chairman Prevratil made a motion to deny the application as presented on the grounds it would not be consistent with other variance approvals. Commissioner Larabee seconded the motion.

VOTE: Commissioner Larabee – Yes
 Commissioner Normandin – Yes
 Commissioner Prevratil – Yes
 Commissioner Minissale – Yes
 Commissioner Rowinski – No
 Chairman Van Buren – Yes

Variance denied.

Commissioner Normandin made a motion to adjourn the meeting at 8:13PM. Commissioner Larabee seconded the motion.

VOTE: All in favor.

Respectfully Submitted,

Julianne Okun
Zoning Board of Appeals Coordinator