



# Village of Colonie

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**THOMAS J. TOBIN**  
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## MINUTES

**WEDNESDAY, MARCH 2, 2022**

**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, March 2, 2022, at 7PM.

The meeting was called to order by Chairman Van Buren at 7:05 p.m. with a salute to the flag. Chairman Van Buren requested that all electronic devices be turned off or muted.

### ROLL CALL:

Chairman: Lou Van Buren

Members: Frank Prevratil  
Trevor Normandin  
Joshua Rowinski  
Phil Minissale

Liaison: Jim Rubino

Alternate: Christopher Larabee

Counsel: Victor Caponera (Absent)

The minutes from the February 2, 2022, Zoning Board of Appeals meeting were reviewed. Commissioner Minissale made a motion to approve the minutes. Commissioner Normandin seconded the motion.

VOTE: Unanimous to approve the minutes.

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**100 Locust Park  
James St John  
Area Variance**

Mr. Michael Roth of Stracher Roth Gilmore Architects came before the Zoning Board of Appeals to request an area variance for James St John located at 100 Locust Park. Mr. Roth is requesting a variance for 2 points that touch the setback line (one at 5' and one at 6").

Mr. St John stated he submitted a letter to the board for the set back because he and his wife are looking for more living space on the main floor which will make it easier because they are aging. He understands that the addition requested will exceed his side yard setback. Mr. St John shared photos of his home with Board members from the year he purchased his home (approximately 30 years ago) and what it looks like today. Mr. St John stated that other neighbors have similar additions.

Mr. St John has spoken with his neighbors about his addition, and they have stated they have no issues. Mr. St John presented a letter from Art & Mary Ellen.

Chairman Van Buren read correspondence from neighbors Art & Mary Ellen to attendees and the Board.

***“Jim, I was glad you let me review the site plan and elevations on your proposed addition. The architect did an amazing job. I was able to understand the complete scope of the project. Can’t wait for spring so we can watch your dream expansion materialize. If you need from me any assistance pertaining to project, just ask. Your next-door neighbors Art & Mary Ellen***

Commissioner Minissale stated that he personally, felt that the letter drafted was written well and detailed.

Chairman Van Buren noted that we don't very often grant this much encroachment, the most granted has been 3 feet.

Mr. Roth stated that the roof intersections may have led to water issues and that is why this particular space was chosen.

Commissioner Minissale asked what the boundaries would be between the houses?

Chairman Van Buren guessed it would be about 15 feet from the family room addition to the neighbors back deck.

Mr. St John agreed with those numbers. Mr. St John also wanted the Board to know that this addition is not about the biggest or best. They would just like functionality for themselves, their current living room will become their new master bedroom. The home

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was originally a 4-bedroom 1 bath, but the bedrooms were so small they knocked down walls to make bigger bedrooms.

Chairman Van Buren asked if any other members of the board had questions. All said “No.

Mr. St John also wanted the board to be aware that the siding on the addition will be matched with the current siding on the home. The current product on the garage is a unique product but there are products out there that are similar.

Commissioner Prevratil stated that no further environmental review is due at this time.

Commissioner Prevratil made a motion to grant the area variance to 100 Locust Park, owned by James and Maria St John. Village code requires a 10-foot setback for the proposed addition. This addition will require 4 feet at the garage and 5 feet at the family room.

Commissioner Van Buren stated this corner lot has a uniqueness and the proposed addition will not interfere with fire apparatus if needed.

Commissioner Minissale seconded the motion.

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

Unanimous to approve the motion

**10 Walker Way**  
**Fidens Brewing**

Use Variance

The following individuals came before the Zoning Board of Appeals to request an interpretation of whether an area variance or a use variance is required for Fidens Brewing’s request to add space for both brewing and retail use located at 10 Walker Way.

Adam Patella – Architect  
Ashley Rubino – Designer  
Michael Carter – Owner, Fidens Brewing  
Mary Clark – Owner, 10 Walker Way

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Fidens Brewing is currently renting at 10 Walker Way. Mr. Carter currently has an area variance for the retail portion of Fidens operation. Mr. Carter stated that this variance is for tasting and retail. The retail portion will replace the current “drive-up” arrangement.

Commissioner Minissale asked if this variance is associated with the tasting?

Mr. Carter stated that the variance will be for 2 additional spaces. A 2,780 sq ft tasting addition and a 2,500 sq ft Brewery expansion, which includes a retail area.

Chairman Van Buren stated that there is also a Fidens Brewing expansion at 12 Walker Way, but this variance is only for 10 Walker Way. Parking can't be shared because it is 2 different buildings.

Commissioner Minissale asked if there is adequate parking for this expansion.

Ms. Clark stated that parking is within the spaces allotted.

Commissioner Prevratil asked about the site plan that the Board members were given. In the 2,500 sq ft brewery expansion, what is the blue area?

Ms. Rubino stated that this will be retail. With this expansion, the Fidens Brewing space will get larger but they will still have the same seating.

Chairman Van Buren asked what percent of the business is brewing vs retail.

Mr. Carter stated that 80% of his business is brewing, while 10-15% is retail. Retail will also include t-shirts, hats, stickers and patches. Mr. Carter expressed to the Board how blessed his business has been by popularity. This is not a restaurant or a bar, and he has no intent of using his space for such.

Chairman Van Buren read section 242-10 (A) permitted uses from the code book. “ In the Commercial D District, no building or premises , or any part thereof , shall be used and in no building or structure or any addition thereto shall be erected which is arranged , intended or deigned in whole or in part , for an purpose except the following uses : ... Wholesale uses, warehouses and storage facilities; business and professional uses, including administration, scientific establishments, research and development , training and financial, legal and similar occupants , excluding the use in any form of hazardous or toxic substances without specific approval .... Accessory uses, except those defined as residential uses, including accessory retail uses, provided that they are conducted as a clearly subordinate part of a permitted principal use “

Ms. Clark stated that Fidens Brewing has also expanded their storage space at 12 Walker Way by 5,000 square feet. The expense for them to move the brewery would have been extremely high. She also stated that due to legal issues or leases with other tenants that she could not accommodate their business into 1 building.

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Mr. Carter stated that this addition will help to support the demand they have now.

Ms. Rubino wanted the Board to know that 12 Walker Way would not be used the same hours as 10 Walker Way. Any employees would park at 12 Walker Way when at work. The capacity for 10 Walker way would not exceed 99, because of sprinklers. The design occupant is higher based on square footage, not tables and chairs.

Chairman Rowinski and Chairman Minissale agree that they don't see any issues.

Chair Van Buren reminded the Board that this will be the third variance for Fidens Brewing.

Mr. Carter stated that they will be using less hours than they were approved for. Hours are 3pm – 7pm Wednesday – Friday for retail and 9am – 3pm on Saturdays. They have no interest in becoming a restaurant or bar.

Commissioner Normandin asked what the size of the samples are? Mr. Carter responded, "2 ounces".

Commissioner Minissale asked if they offered "flights"?

Mr. Carter responded that it is not something they offer now. They realize the area they are in is limited. This business is meant for patrons to purchase and bring home to enjoy. Cans of craft beer are sold for \$6 each. There is no live music or food. If they were looking to expand in that area, they know they would need to do that at another location. Mr. Carter stated that he has patrons from other states that come weekly to purchase. These patrons also frequent other businesses in the Village (hotels, food establishments, etc.)

Commissioner Prevratil stated that Industrial Parks are blight and are changing. Now you see daycares, gyms, etc. Industrial areas do not exist as much as before.

Chairman Van Buren asked who would police the parking?

Mr. Carter stated that a bouncer will monitor outside, and the owner will be hands on. Ms. Rubino added that the addition of space will reduce traffic flow from the "to-go" orders. It will allow different hours for those orders to be picked up. Currently to-go orders can only be picked up on Saturdays.

Chairman Van Buren would like Fidens Brewing to look into their Sunset Clause that was approved in 2019. They will need to return to Zoning to have the hours changed. Original request was for Monday – Wednesday 4pm – 8pm and Sunday 11am-5pm. Which are not the same hours mentioned above.

Commissioner Prevratil stated that no further environmental review is due at this time.

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Commissioner Prevratil made a motion to grant the addition for retail use as an area variance to 10 Walker Way, rented by Fidens Brewing. Variance will be for an expansion used as retail and a tasting room. This property is located in a Commercial D District. This variance is only granted for Fidens Brewing and reverts back to Industrial if another business comes in.

Commissioner Minissale seconded the motion.

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

Unanimous to approve the motion.

Commissioner Minissale made a motion to adjourn the meeting at 8:33PM.  
Commissioner Normandin seconded the motion.

VOTE: Unanimous to approve the motion.

Respectfully submitted,

Stacie Douglas  
Zoning Board of Appeals Coordinator