



Village of Colonie
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MINUTES
WEDNESDAY, MAY 4, 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, May 4, 2022, at 7pm.

The meeting was called to order by Chairman Van Buren at 6:56pm. with a salute to the flag. Chairman Van Buren requested that all electronic devices be turned off, silenced or muted.

ROLL CALL:

| | |
|------------|---|
| Chairman: | Lou Van Buren |
| Members: | Frank Prevratil Trevor Normandin (Absent) Joshua Rowinski (Applicant) Phil Minissale |
| Liaison: | Jim Rubino |
| Alternate: | Christopher Larabee |
| Counsel: | Victor Caponera |

The minutes from the March 2, 2021, Zoning Board of Appeals meeting were reviewed. Commissioner Prevratil made a motion to approve the minutes. Commissioner Larabee seconded the motion.

VOTE: Unanimous to approve the minutes.

24 Peter Dr
Mr. Josh Rowinski
Use Variance

Mr. Peter Rowinski of 24 Peter Dr came before the Zoning Board of Appeals to request an area variance for an 8' vinyl fence along the rear of his property. Mr. Rowinski stated that his backyard borders Tiny Town Daycare and his neighbors at 22 and 26 Peter Drive already have 8' fences installed. His fence is currently very old and falling apart and he would like to replace it with an 8' fence. The fence would provide more privacy to the daycare and himself.

Mr. Rowinski submitted pictures of his current fence, which also shows the neighbors fences. He also submitted a letter from his neighbors, Michael and Patricia Kennedy at 22 Peter Drive showing their support.

Attorney Caponera stated that looking at the pictures he can see the deteriorated condition of his current fence. Attorney Caponera questioned if variances were given to the neighbors at 22 and 26 Peter Dr.

Chairman Van Buren stated "Yes" they were given, one from himself and one from Commissioner Prevratil.

Chairman Van Buren asked what type of fence will be used and what will they be doing about the trees along the fence line.

Mr. Rowinski answered that he will use vinyl fence and that he is working with the daycare to have the trees taken down. The trees are on Tiny Town Daycares property, and they are in the process of getting estimates.

Commissioner Prevratil stated that an area variance is required because Village Code only allows 6ft high fences.

Attorney Caponera also wanted to remind everyone of the following elements:

- Will this have an undesirable effect on the neighbors?
- Is there any way to obviate the need and to not need a variance?
- Is there a way to alleviate the issue?
- Is the requested variance substantial? Courts say each case is individually looked at .
- Is there any adverse effect on the environment? .
- Is this a self-created hardship? In this situation, yes, they have already purchased the property but with an area variance a self-created hardship does not prevent the granting of the area variance . .

**DRAFT MINUTES
ZONING BOARD OF APPEALS**

JANUARY 6, 2021

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

Commissioner Prevratil made a motion to grant the area variance to 24 Peter Drive, owned by Mr. Josh Rowinski for an 8' high vinyl fence. It has been determined there will be no negative impact.

Commissioner Minissale seconded the motion.

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

Unanimous to approve the motion.

Commissioner Prevratil made a motion to change the Zoning Board of Appeals meetings to 6:30pm instead of 7pm. The other Village Boards all meet at 6:30pm and he stated it would be easier if they were all at the same time.

Commissioner Minissale seconded the motion.

VOTE: Unanimous to approve Zoning Board of Appeals meeting at 6:30pm.

Commissioner Minissale made a motion to adjourn the meeting at 7:12pm.
Commissioner Larabee seconded the motion.

VOTE: Unanimous to approve the motion.

Respectfully submitted,

Stacie Douglas
Zoning Board of Appeals Coordinator