



# Village of Colonie

VILLAGE HALL  
2 THUNDER ROAD  
COLONIE, NY 12205  
(518) 869-7562 FAX (518) 464-0389

**THOMAS J. TOBIN**  
MAYOR

[villagehall@colonievillage.org](mailto:villagehall@colonievillage.org)

[www.colonievillage.org](http://www.colonievillage.org)

## MINUTES

**WEDNESDAY, NOVEMBER 1, 2023**

**6:30 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, November 1, 2023, at 6:30PM.

The meeting was called to order by Chairman VanBuren at 6:31 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 (Absent)  
Trevor Normandin  
Joshua Rowinski  
Phil Minissale

Liaison: Jim Rubino

Alternate: Christopher Larrabee

Counsel: Victor Caponera

The minutes from the September 7, 2022, Zoning Board of Appeals meeting were reviewed. Commissioner Minissale made a motion to approve the minutes. Commissioner Larrabee seconded the motion.

VOTE: Unanimous to approve the minutes.

**MINUTES  
ZONING BOARD OF APPEALS**

**November 1, 2023**

**59 Broderick St  
Mr. & Mrs. Nahlupin  
Area Variance**

Mr. & Mrs. Nahlupin came before the Zoning Board of Appeals to request an area variance for their home located at 59 Broderick St. Mr. Nahlupin would like to run a window tinting business/hobby out of the garage of his home. He had been doing this for a year but did not know it required a Special Permit from the Planning Commission pursuant to Section 242-5 H of the Village Code until neighbors complained to the Village. He added that his customers are friends, family and acquaintances, all of whom he trusts to be near his home, his 5 children and wife. The process takes 1-3 hours and only requires a blow dryer and baby soap and is completed inside his garage. He has a 2-car garage and is on a corner lot. Mr. Nahlupin also stated that he will only work on 2-3 cars per day max as he also has a full-time job in corrections that he works every other day for 16 hours on.

Chairman VanBuren stated that Mr. & Mrs. Nahlupin went to the Planning Commission on August 1<sup>st</sup> and were denied because Section 242-5 H (b) required an area variance from the maximum allowable square footage.

Attorney Caponera advised that the Village code states a business cannot use more than 25% of the home space. This business would use 28.5% and would need a 3.5% variance. The square footage of the home is 1,400 sq ft and the garage is 400 sq ft. Attorney Caponera also read a letter dated September 5<sup>th</sup>, 2023 from the Building department that stated they have reviewed the application and it meets the definition of home occupation under the Village Code 242-3. The Building Department letter also added, "I would like to add that the Planning Commission should consider stipulation to any approval on the number of attendees to the home occupied business at a certain time, as to not affect the neighborhood traffic concerns".

Chairman VanBuren asked how the applicant advertised? Mr. Nahlupin said he does not advertise. He said he only does it for people that he knows.

Chairman VanBuren also asked if he had anything else that he would like to add before he opens it up to the audience for comment? Mr. Nahlupin stated he does not want any trouble.

Mrs. Nahlupin added that neighbors have not been very nice during this process. They have given dirty looks and have been given obscene hand gestures in front of her children. The Nahlupin's son has recently had surgery so not every vehicle at the home is for tinting. A nurse from Albany County does come to the home for their son's care.

Chairman VanBuren announced that this was a contentious issue, and he would like everyone to conduct themselves as adults. Everyone will have a turn to get up and say what they would like. If any arguing starts people will be asked to leave the room.

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Attorney Caponera suggested that anyone wishing to speak in favor of the proposal come up first. After that we will ask anyone that would like to speak against the proposal.

Ms. Ann Snyder of 60 Broderick St came forward in support of the Nahlupin's. She stated that she lives kitty-corner and doesn't notice excess traffic at the home. She stated that they are a loving family and feels they would not do anything to disrupt the neighborhood.

Attorney Caponera asked Ms. Snyder if she can see the Nahlupin's home from her home. She stated that she can, but she can't see the garage.

Ester Cioffi of 16 Mayhall St stated that she has lived in the neighborhood since 1991 and frequently walks at 1-2am. It is a safe neighborhood, and she does not notice increased traffic.

Cathy Ellrott of 20 Vics Ct added that she does not see an issue. Another home in the neighborhood has about 6 cars in front of the home for nurse's aids. Does it matter why they are there.

Marty Bowen of 78 Broderick St also stated that he did not see an issue with the tinting business. He expressed that it was a shame that this was causing such a divide in the neighborhood. He added that sometimes the cars at the Nahlupin's were from get togethers after church and was upset that some assumed they were for tinting.

Chairman VanBuren opened the floor to anyone opposed of the Nahlupin's tinting business.

Several neighbors listed below came forward to oppose the Nahlupin's tinting business:

Jeff Green – 3 Vics Ct  
Anita Green – 3 Vics Ct  
Bill Culter – 21 Stella Terr  
Amy – 77 Broderick St  
Michael Lonergan – 14 Vics Ct  
Jamie Sommer – 3 Mayhall St

Concerns from the neighbors were the following:

- Additional traffic in the neighborhood – each vehicle dropped off will mean 3 cars in the neighborhood (car dropped off, ride to drop off and another vehicle to pick up)
- Strangers in the neighborhood – potential increase for crime
- Noise pollution
- Vehicles being delivered day and night which has woken neighbors, one vehicle was allegedly towed in by a tow truck at 2am.

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- Loud Music playing when Mr. Nahlupin is working.
- The Nahlupin's have denied the tinting business in the past, but they have a drop box for keys to be dropped off 24/7.
- Mr. Green had documented activity at the address for about 10 months and there were about 100 customers in that time frame. Mr. Green gave the Zoning board members a packet before the meeting started which included plate numbers. Mr. Green also mentioned that Mr. Nahlupin also stated that he only does this for family and friends but there is a business web page and a Facebook page.
- There was also concern that the Nahlupin's would try to do more work during hours than any Village approvals allowed.
- Many bicyclists, children, strollers, elderly and dog walkers are in the area and increased traffic could endanger safety.

Attorney Caponera asked how many times they have been woken up for vehicles being delivered at night? Mrs. Green stated just one time.

Mrs. Nahlupin added that her husband's had purchased a personal vehicle which was delivered by Vroom at 2am. This was the early morning event Mr. and Mrs. Green were referring to when they were woken up one time.

A discussion was held regarding a car detailing business in the Village. That resident received complaints from neighbors and was approached by Code Enforcement. That business wound up relocating to the industrial park.

Commissioner Rowinski asked how this business is different than the car detailing one that relocated to the Industrial Park. Chairman VanBuren stated that detailing of cars and tinting of car windows were two different things. The detailing business uses chemicals, while the tinting business only uses soap and a hair dryer.

Chairman VanBuren stated that the purpose of tonight's meeting is to get everything documented. With the added documents given to the board by Mr. Green before the meeting this matter will not be finalized tonight. The board will need time to review these documents because they need to be read. Chairman VanBuren encouraged the board to review the documents submitted by Mr. Green.

Commissioner Minissale questioned that since this is not a use Variance, this is allowed, correct?

Attorney Caponera stated that this use is allowed and the only reason it is before the Zoning Board is for an Area Variance for 3.5% over the 25% allowed under the code. The board must consider all facts – the benefits to the neighborhood, adverse effects etc. The board will need to weigh the 3.5% percentage needed for the variance. .

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Attorney Caponera asked Mr. Nahlupin about a specific picture in the packet with many cars parked. Mr. Nauphin stated that the pictures were taken before the neighbors complained. After they complained he only did 1-2 cars a day.

Attorney Caponera also asked Mr. Nahlupin about the Facebook page in the packet. Mr. Nahlupin advised that this was his personal Facebook page for family and friends only.

Commissioner Minissale asked what the Nahlupin's could do to make this acceptable to the neighbors?

Mrs. Green stated that she is concerned about the neighborhood and the precedence this will set for others.

Commissioner Minissale feels that this is a balancing act and there should be some compromise and stipulations. If stipulations are in place and Mr. Nahlupin does not abide then he could be shut down.

Chairman VanBuren stated that given the fact that all neighbors for and against have been heard that the Public Hearing is closed. Attorney Caponera confirmed that the Public Hearing is closed. It is now up to the Board to digest, review and make a determination.

Chairman VanBuren announced that the next Zoning Board of Appeals meeting will be held on Wednesday, December 6<sup>th</sup>, 2023 at 6:30pm.

Commissioner Minissale made a motion to adjourn the meeting at 7:54PM.  
Commissioner Normandin seconded the motion.

VOTE: Unanimous to approve the motion.

Respectfully submitted,

Stacie Douglas  
Zoning Board of Appeals Coordinator