



# Village of Colonie

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## **DRAFT MINUTES** **WEDNESDAY, APRIL 24, 2024** **6:30 PM**

**PATTY SCHWARZ-  
LOCKART**  
DEPUTY MAYOR

**FRANK A PREVRATIL**  
TRUSTEE

**JASON M DEPAULO**  
TRUSTEE

**MARK P STEVENS**  
TRUSTEE

**JAMIE BLOT**  
CLERK

The scheduled meeting of the Village of Colonie Zoning Board of Appeals was held on Wednesday, April 24, 2024, at 6:30PM.

The meeting was called to order by Chairman VanBuren at 6:30 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 VanBuren  
Members: Trevor Normandin  
Joshua Rowinski  
Phil Minissale  
Christopher Larrabee (Absent)  
Liaison: Mark Stevens  
Alternate: Les Decker  
Counsel: Victor Caponera

The minutes from the April 10, 2024, 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.

**560 Sand Creek Rd**  
**Tiny Town Daycare**  
Use Variance amendment

**DRAFT MINUTES  
ZONING BOARD OF APPEALS**

**April 24, 2024**

Chairman Van Buren announced that there was one case on the agenda for 560 Sand Creek Rd. The case is a continuation from the beginning of the month. Kristen Blais with Tiny Town Daycare and Nick Costa with Advanced Engineering were present to discuss the site plan for an additional one-story building on the current property. The additional building will be used for childcare.

Ms. Blais announced that she has been in business in the Village for 4 years and she is looking for more space for older children. This new building would accommodate that need. It would accommodate school-age children from age 5-12. Before and After school care, school breaks and summer vacation.

Mr. Costa stated that her current building is a former church which she has brought up to code, even adding a fire hydrant at the request of the Fire Chief. There are sewer and water hookups near the site of the proposed new building and the current building has these services as well.

Ms. Blais added that her parking lot is for staff, as parents do not stay, they just pull up for drop off and leave. She also mentioned that no new play area will be added to the property. The current play area in the back will be used by all children.

Commissioner Normandin asked how many staff she had now and how many she would anticipate with the new building.

Ms. Blais answered that she currently has 19-21 staff and will add 4 new staff members with the addition. State law requires a 10:1 ratio for children and adults (for every 10 school age children you must have 1 adult). The new building will accommodate 40 children.

Commissioner Minissale asked what the hours of operation would be for the building.

Ms. Blais stated that her hours of operation are 7am – 5pm. For the school age additional hours will not be all day on school days. Daycare will be open 7am-9am when the buses pick up students for school. Buses will return around 2:30pm to drop the students off at the day care site.

Chairman VanBuren asked if anymore parking will need to be added and Ms. Blais answered “no”.

Commissioner Minissale questioned if events would be taking place at the daycare.

Ms. Blais advised that in the summer they do hold events once a week – bubble parties, etc. They last about 45 minutes to 1 hour. They also hold a yearly preschool graduation.

**DRAFT MINUTES  
ZONING BOARD OF APPEALS**

**April 24, 2024**

Attorney Caponera asked what impact these services would have on the traffic in the area.

Ms. Blais stated that the most cars would be 40 if each child registered was in a different vehicle. But most of the kids that would enroll have younger siblings that already go to the program.

Commissioner Minissale asked if having a 6 week – 12-year-old program is a mandate of the state.

Ms. Blais answered that it is not a mandate, but a recent study showed that 57% of school age children do not have care. There is currently a grant available in NY to expand her daycare. After June her program will not be able to take school age children. Licensed daycares need to assign an age to each class. Adding the proposed 3,000 sq ft building will allow for the school aged care of 5 through 12-year-olds.

Commissioner Normandin asked how long it would take for this building to be build.

Mr. Mike Tralongo, the general contractor stated that it would take approximately 6 months to build.

A discussion was held regarding trees on the current site plan that were meant as a sound and visual barrier. Ms. Blais has had some trouble keeping them with the amount of sand but has sprinklers that should help. Some have been replanted and they are quick growing trees. Ms. Blais mentioned that trees are a hazard near the play area, so they need to be mindful of the size of the trees in that area.

Attorney Caponera stated there was a complaint from a neighbor at 60 Delafield Dr regarding large events at the daycare that were very noisy. Ms. Blais answered that it was the loudspeaker for the bubble party that happens once in the summer from 10:30am – 11:30 am. The other big event is the preschool graduation once a year.

Attorney Caponera advised that this application is before the Zoning Board for a modification to a previously granted use variance. 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 but is a factor that the Board may consider.

**DRAFT MINUTES  
ZONING BOARD OF APPEALS**

**April 24, 2024**

Chairman VanBuren asked Ms. Blais and Mr. Costa if they would like to add anything else before the floor is opened up to the residents.

Mr. Charles Essipian, the attorney for 567 Sand Creek LLC asked why the building is being built so far north of the property and if there is a possibility of moving it further from his client's property. He also asked about placement of the entrance and asked why they were not using the south side of the building for an entrance instead of the east.

Ms. Blais answered that moving it to the back of the building would affect the play area and daily operations. The area chosen would have the least impact on day-to-day operations and on the families. For the entrance, Ms. Blais stated the east side would work best and not interfere with snow removal in the winter.

Attorney Essipian asked if cars would pull up to the building for drop off because it is narrow at that location.

Ms. Blais stated that cars would need to park in the parking lot when dropping off at that building.

A discussion was also held regarding the building buffer setbacks and the setbacks for the building are more than the requirement should be.

Attorney Essipian asked the board if this business would be allowed more variances for this property? Or for development?

Attorney Caponera stated that the Zoning Board does not have the power to preclude future applications.

Chairman VanBuren added that they would need to come back for a variance if the owner ever sought to increase its operations and / or use ..

Ms. Phyllis Hecker from 64 Delafield Dr was present and stated she took a tour of the current property and building last summer. She was impressed with the daycare and the property. She does have a couple of small issues. One is the dumpster being emptied at 6am. The other is a basketball hoop located near her property.

Ms. Blais answered that the dumpster should be emptied around 10am and that she would reach out to her vendor and make sure they did not arrive that early. She also told Ms. Hecker that she could easily have the basketball hoop moved.

Ms. Sandy Gansel from 18 Peter Dr was also present. She supports what the daycare is doing. She is not a fan of the trees planted but does recognize why they are there. For privacy, she would prefer that the new building roof line not be so high. She would also prefer it not block the sun to her yard.

**DRAFT MINUTES  
ZONING BOARD OF APPEALS**

**April 24, 2024**

A discussion was held regarding the roof line being lowered and what will be in the attic area. Chairman VanBuren stated the Planning Commission will go into that further when the time comes.

Ms. Hecker asked what the hours for construction would be and how long.

Mr. Tralongo stated that typical construction hours are 7am – 3:30pm and construction will last about 6 months.

Ms. Hecker requested an 8am start, she is retired and would prefer the noise a little later.

Lisa Cataldo from 20 Peter Dr. submitted a letter of support to Chairman VanBuren and he read the letter.

*“I received a notice Kristen Blais/Tiny Town Daycare applied for a use variance to expand operation of a daycare center within a residential zone. I am affected by the proposed variance. I ask the Zoning Board of Appeals to consider accepting the application contingent the expansion following the site plan submitted with the application. The site plan does not add any extra parking spaces or additional light posts that would create excessive light at night onto neighboring properties. The existing mature trees between 20 Peter and the daycare appear to fulfill the buffer zone required by local code and I ask that they remain on the property. If the trees we’ve enjoyed in the backyard were cut down it would have a direct impact on our property and I believe its value.*

*Kristen Blais/Tiny Town Daycare have been great neighbors and provide quality daycare service to Village residents. I am supportive of the expansion as laid out in the site plan.”*

Attorney Caponera stated that the board can now close the public hearing and choose to act on the application if the board feels that they have enough information to make a decision.

Commissioner Minissale stated that this is an unlisted SEQRA action, and therefore, no further environmental review is necessary at this time.

Commissioner Minissale made a motion to grant the application to modify the previously granted use variance for 560 Sand Creek Rd. to construct a 1 story building measuring 3000 square feet for use as a daycare.

Commissioner Normandin seconded the motion.

VOTE:	Chairman Van Buren	YES
	Commissioner Minissale	YES
	Commissioner Normandin	YES
	Commissioner Rowinski	YES

**DRAFT MINUTES  
ZONING BOARD OF APPEALS**

**April 24, 2024**

Commissioner Decker

YES

Attorney Caponera announced that the variance has been approved and would now need to go back to the Planning Board.

Commissioner Normandin made a motion to adjourn the meeting at 7:25PM.  
Commissioner Rowinski seconded the motion.

Respectfully submitted,

Stacie Douglas  
Zoning Board of Appeals Coordinator