



Village of Colonie

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CLERK

DRAFT MINUTES **WEDNESDAY, AUGUST 14, 2024** **6:30 PM**

The scheduled meeting of the Village of Colonie Zoning Board of Appeals was held on Wednesday, August 14, 2024, at 6:30PM.

The meeting was called to order by Chairman Minissale at 6:30 p.m. with a salute to the flag. Chairman Minissale requested that all electronic devices be silenced.

ROLL CALL:

Chairman:	Phil Minissale
Members:	Trevor Normandin Joshua Rowinski (Excused) Christopher Larrabee Les Decker
Liaison:	Mark Stevens
Alternate:	Ginny Ritz
Counsel:	Victor Caponera

The minutes from the June 05, 2024, Zoning Board of Appeals meeting were reviewed. Commissioner Normandin made a motion to approve the minutes. Commissioner Decker seconded the motion.

VOTE: Unanimous to approve the minutes.

30 Broderick St
Jared Funari
Area Variance

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Chairman Minissale announced that there was one case on the agenda for 30 Broderick St. Jared Funari is looking to demo an existing garage and build a new 20' x 45' garage.

Mr. Funari lives at 30 Broderick Street with his wife and daughter. His home is also next door to his mother's and is the house he grew up in. They currently have two garages on their property. The first garage is where his wife parks her vehicle. The second garage is in the back of his property.

He owns an electrical/HVAC/plumbing company and was using this garage and his mother's garage for storage of materials. He also has a wood-working hobby and stores materials in that garage. The garage is not in the greatest condition so he removed items from that garage. He is currently renting a shop in Latham and would like to get out of that situation. He is looking to build a new 20' x 45' foot garage. Which would store his vehicle, trailer, work supplies and wood-working items.

Chairman Minissale asked if this new garage would be used primarily for his business?

Mr. Funari stated that he has no employees, he is a sole-proprietor and his business is run out of his truck. He does have a utility trailer that he would like to keep out of the weather elements. He also has many tools in his vehicle that he would like kept safe. He does not keep a massive inventory. Most of the space will be used for his wood-working hobby and storage of his truck and trailer. He added that he will also leave his lawn mower and other yard tools in the new garage because he does not have a shed. Mr. Funari stated that commercial rents are increasing dramatically and he would like to fully utilize his property.

Attorney Caponera stated that he read Mr. Funari's very thorough application and asked what is done at his business location in Latham, New York.

Mr. Funari stated that there is a small office and inventory room which includes electrical and plumbing supplies. He does not stock HVAC supplies and just purchases them as needed. He does have many 20' lengths of wood that he uses for his wood working. The rental space is 1,000 square feet.

Attorney Caponera asked what percent of his rental location in Latham NY is used for his business. The Village Code definition of a Home Occupation is any use conducted in the home or an accessory building for gain.

Mr. Funari stated that he does not conduct business out of the shop but he does store supplies and tools. He does multiple trades and swaps out tools for different jobs.

Attorney Caponera added that he has looked at the layout of the proposed garage and the space is quite substantial at 900 sq ft which includes a bathroom and storage area.

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Mr. Funari mentioned that the storage area will be used for inventory and the rest of the garage will be used for his truck and trailer. When attached the truck and trailer are 40' long.

Attorney Caponera advised that the Board needs to make a determination as to whether this is a home occupation or not. If it is a home occupation the applicant would need to go to the Planning Commission for approval. The Village Code states that no one other than a resident of the dwelling can engage in the Home Occupation and it cannot be more than 25% of the floor space of the principal residence. Attorney Caponera asked what the square footage was of his residence.

Mr. Funari stated 900 square feet.

Attorney Caponera added that if the Zoning Board does determine that this is a Home Occupation that the applicant would need to go to the Planning Board which is required to hold a public hearing which involves notifying your neighbors. After the Planning Board you would return to the Zoning Board for your variance for the size of the proposed garage as it exceeds the maximum allowable square footage for a garage ..

Chairman Minissale asked if anyone from the board or audience had questions for the applicant.

Mr. Robert Griffin from 16 Broderick St. Stated that he lives four houses away from the Funari's. He stated that he does not see a problem with the construction of a new garage. He has known the family for years. He knows that the existing garage is old, He moved into the neighborhood in 1969 and the garage was there when he moved in.

Mrs. Jessica Funari asked if the notice sent to neighbors this month would be enough.

Attorney Caponera stated that the first notice was required under the New York State law for the variance. A second notice would be required for a Home Occupation. Attorney Caponera explained that the Village has a code and added that this Board must go by that code.

Chairman Minissale asked the Board their thoughts on the Home Occupation. Commissioner Decker stated that he believes this is a Home Occupation.

Commissioner Normandin questioned if Mr. Funari had enough swing to get his truck and trailer to the garage.

Mr. Funari added that he can and that is the reason for his smaller trailer. He also plans to pave the area to make it easier.

Attorney Caponera advised that in his opinion this does fit the criteria for Home Occupation because he will be closing his commercial location. If the Board votes yes

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to a Home Occupation, being operated out of a portion of the proposed garage, then the applicant will need to go to the Planning Board.

Attorney Caponera also added that there are elements and criteria that will be looked at.

- Will this have an undesirable effect on the neighbors? That could be answered by neighbors that come forward.
- Will this have any adverse effect on the environment?
- Is there any way to obviate the need for a variance? Village code limits the size of the garage. The proposed garage is 36% bigger than what the code allows. Is there any way this building could be smaller?
- Is the requested variance substantial? Courts say each case is looked at on its own merits.
- Is this a self-created hardship? The answer is yes, as applicant has 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.

Mrs. Anna Naulphin from 59 Broderick St announced that she does not mind the garage and she will support her neighbor.

Chairman Minissale made a motion to defer this application to the Planning Board.

Commissioner Larrabee seconded the motion.

VOTE:	Chairman Minissale	YES
	Commissioner Normandin	YES
	Commissioner Larrabee	YES
	Commissioner Rowinski	YES
	Commissioner Decker	YES
	Commissioner Ritz	YES

Commissioner Decker made a motion to adjourn the meeting at 7:01PM. Commissioner Normandin seconded the motion.

Respectfully submitted,

Stacie Douglas
Zoning Board of Appeals Coordinator