



# Village of Colonie

VILLAGE HALL  
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**MARK P STEVENS**  
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**JAMIE BLOT**  
CLERK

## MINUTES WEDNESDAY, DECEMBER 4, 2024 6:30 PM

The scheduled meeting of the Village of Colonie Zoning Board of Appeals was held on Wednesday, December 04, 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 (Excused)  
                        Joshua Rowinski  
                        Christopher Larrabee  
                        Les Decker

   Liaison:     Mark Stevens

   Alternate:   Ginny Ritz

   Counsel:     Victor Caponera

The minutes from the October 02, 2024, Zoning Board of Appeals meeting were reviewed. Commissioner Larrabee made a motion to approve the minutes. Commissioner Decker seconded the motion.

VOTE: Unanimous to approve the minutes.

**3 Nicholas Dr**  
**Balwinder Singh**  
Use Variance and Area Variances

**DRAFT MINUTES  
ZONING BOARD OF APPEALS**

**April 24, 2024**

Mr. Balwinder Singh is looking to convert an existing detached garage into a 1-bedroom apartment. Mr. Singh was not present at the meeting but Mr. Zaigham Bokhari was present on his behalf.

Attorney Caponera stated that this application requires a use variance and area variances. He explained that there are rules of the Village Law of the State of NY, section 7-712B which gives the board legal authority to act on these applications.

For the use variance there is also Village Code 242-5A (6) which “permits an accessory apartment in a 1 family dwelling subject to the provisions of subsection G”. The proposed apartment would be in a 2-car detached garage, which is a separate structure and would not be an allowable use in this zone. The applicant would need to prove use variance criteria.

1. Applicant cannot realize a reasonable return provided that lack of return is substantial and demonstrated by competent financial evidence.
2. The alleged hardship relating to the property in question is unique, does not apply to a substantial portion of the district or neighborhood.
3. The requested use variance if granted, would not alter the essential character of the neighborhood, if granted.
4. The alleged hardship has not been self-created.

Attorney Caponera added that the applicant would also need area variances for setbacks. The rear setback does not meet the minimum 25 foot and the side setback is 10 foot and the proposal is 9.9 foot.

Mr. Bokhari stated Mr. Singh’s family is expanding and he would like to convert the garage for family use only.

Chairman Minissale asked where Mr. Singh lives now and if he would be living at the Nicholas Dr property.

Mr. Bokhari advised that Mr. Singh currently lives on Gabriel Way and he and his wife will occupy the new garage apartment.

Commissioner Rowinski asked how many people currently live in the Nicholas Dr home and how many bedrooms it has.

Mr. Bokhari stated it is a 4-bedroom home and one family is staying there with about 12-13 people.

Attorney Caponera asked if Mr. Bokhari had any proof that the owner of the property cannot realize a reasonable return for each and every permitted use in the existing zone. He must be able to prove financial hardship (on the property, not the person) and he must also prove the property has a unique character unlike any other surrounding properties.

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Mr. Bokhari answered that Mr. Singh purchased the property 1 year ago and would like to stay there with the rest of his family. He will be retiring in 2 years and will have a limited income; this will save money. The neighborhood has no other detached garages, which could be used for an apartment.

Commissioner Rowinski asked how many people would be moving into the garage apartment? And how much money would it cost to convert; would it be cheaper to build an addition?

Mr. Bokhari stated that it would just be Mr. Singh and his wife and the rehab would probably cost \$25,000 – 30,000.

Chairman Minissale asked who will be living in the Gabriel Way home. Mr. Bokhari shared that they are not sure what will be done with the home on Gabriel Way yet.

Mr. Peter Jelett from 21 Peachtree Ln mentioned that he believes this apartment would change the neighborhood character, there are all single-family homes there now. He believes any hardships would be by the applicant and does not support this project.

Mr. Mike Capatula from 1 Nicholas Dr stated that he lives about 15-20 feet from this property and they are requesting a lot of variances. He said there are many homes in the Village and none of them have detached apartments. He believes this does not fit the character of the neighborhood and does not support the requested use and area variance request ..

Ms. Sophie Belokopitsky from 1 Nicholas added that she feels there are already too many people living in the home and does not support the variances.

Commissioner Rowinski asked how many vehicles would be parked at the property with a rental.

Mr. Bokhari said 2-3 cars.

Attorney Caponera advised the board that when a variance is granted it runs with the land that means there could be 2-3 cars now but a future owner could have more. For this variance requested, there has been no evidence produced that the applicant can get around the self-created hardship nor has there been any proof of financial hardship.

Chairman Minissale made a motion, to deny the use variance request based on the lack of proof submitted by the applicant to support the use variance request and based on the fact that this is a self-created hardship. His motion is to deny the requested use variance and area variances to convert a detached garage into a 1-bedroom apartment. Commissioner Decker seconded the motion.

VOTE:	Chairman Minissale	NO
	Commissioner Rowinski	NO

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Commissioner Larrabee	NO
Commissioner Decker	NO
Commissioner Ritz	NO

Mr. Bokhari asked what he could do moving forward with the denial.

Attorney Caponera advised the applicant that he could file an Article 78 against the board's decision with the Supreme Court.

Commissioner Decker made a motion to adjourn the meeting at 7:00PM. Commissioner Larrabee seconded the motion.

Respectfully submitted,

Stacie Douglas  
Zoning Board of Appeals Coordinator