



# VILLAGE OF COLONIE

**VILLAGE HALL**  
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VILLAGE CLERK

## ZONING BOARD OF APPEALS MINUTES WEDNESDAY, JANUARY 7, 2026 6:30 PM

The regularly scheduled meeting of the Village of Colonie Zoning Board of Appeals was held at Village Hall, 2 Thunder Road, Albany, NY 12205, on Wednesday, January 7<sup>th</sup>, 2026.

<b>ROLL CALL:</b>	Chairman:	Phil Minissale	Present
	Members:	Trevor Normandin	Absent
		Joshua Rowinski	Present
		Christopher Larrabee	Present
		Les Decker	Present
	Alternate:	Ginny Ritz	Present
	Village Attorney:	Victor Caponera	Present
	Village Liaison:	Jason DePaulo	Absent

Chairman Minissale opened the meeting at 6:30 P.M. with the Pledge of Allegiance, and he requested that all electronic devices be turned off or muted. The Board reviewed the regular meeting minutes from November 5<sup>th</sup>, 2025. Mr. Decker made a motion to approve the minutes as presented. This motion was seconded by Mr. Larrabee.

VOTE: Unanimous to approve.  
Motion passed.

### **38 Robert Drive Nina Crisafulli Area Variance**

Chairman Minissale explained that the area variance request for an existing retaining wall is a continuation from the November 5<sup>th</sup> meeting. Attorney Ahmad Seraj was present on behalf of Nina Crisafulli, 38 Robert Drive. Ms. Crisafulli was present as well. Attorney Seraj explained that it was requested at the last meeting for Attorney Caponera to follow up with Mr. Decotis and Mr. Cerone of their historical involvement prevalent to this case. The Board also requested some documents, and Ms. Crisafulli has provided relevant invoices and a summary of the scope of the project for the Board to review. Attorney Caponera offered that he spoke with Mr. Henry Decotis, (previous Village Attorney), and was advised that he left employment with the Village of Colonie in May of 2020, which

preceded the time in which the retaining wall was erected. Mr. Decotis indicated that he was involved with the fence that was erected too close to the road, but not the current matter. Attorney Caponera stated that he also spoke with Mr. Mike Cerone, (previous Code Enforcement Officer), and was advised that he was also not involved in the current matter. Ms. Crisafulli stated that the intention to contact Mr. Decotis was for clarification in the fence setback, not the retaining wall.

Attorney Seraj explained the letter that was submitted to the Zoning Board of Appeals on January 5<sup>th</sup>, in that the costs involved with the project have been summarized, along with photos to show the complexity of the project. These documents were provided as a supplemental submission to the original application, as requested. Attorney Seraj added that the costs total about \$100,000, with the majority of costs attributed to masonry and hardscaping. Chairman Minissale inquired if the invoices provided total \$100,000, and Attorney Seraj explained that many invoices were paid by cash, and they were unable to follow up with vendors to obtain receipts in time for the meeting, so the applicant provided what was available. Attorney Caponera asked if the \$100,000 total includes the entire project, such as the new porch, and Attorney Seraj stated that the porch was not included in this estimate. Attorney Caponera also asked if a survey was completed prior to beginning this work. Attorney Seraj stated that he believed a survey was not done, but there was a survey done for the Village of Colonie, which Attorney Caponera confirmed he was in receipt of. Ms. Crisafulli stated that a prior survey was done and believed that the Village of Colonie was also in receipt of that one. Attorney Caponera asked if the applicant had a copy of this survey, and Attorney Seraj stated that they did not, but could contact the Surveyor that produced the survey.

Attorney Caponera asked Village Attorney Javier Mendez if he was aware of any additional surveys that the Village may be in possession of. He stated that he is only aware of the survey conducted by O.J. Meyer requested by the Village, and he forwarded it to the applicant's attorney. Ms. Crisafulli explained that the original survey was based on the fence project that Mr. Decotis was involved in. Attorney Seraj asked Attorney Mendez to confirm whether the setback is decided from the curb or the middle of the road. Attorney Mendez stated the Village Code provides the definition for what the setbacks are, which Attorney Caponera specified in an earlier meeting. Attorney Caponera confirmed that it is from the edge of the road/street line, in accordance with §242(5)(I)(2). Attorney Seraj offered that there are numerous properties in the Village that also have retaining walls within the street line, and this was indicated in the application. Attorney Caponera posed that the properties in question could be pre-existing non-conforming if the amendment to the Village code was enacted after the retaining walls were erected. Attorney Seraj stated that he could not locate when this amendment was enacted. Attorney Caponera suggested that the Board close the public hearing and render a written determination of the decision within 60 days.

Attorney Seraj offered in a final statement that the matter at hand is not out of the ordinary. He added that in the past 5 years, there have been no documented incidents where there have been dangers to health, safety and/or the neighborhood.

Chairman Minissale made a motion to close the discussion of the case. The motion was seconded by Mr. Decker.

VOTE: All in favor.  
Motion passed.

**5 Gail Ave  
Bashkim Boja  
Area Variance**

Mr. Fatjon Boja was present on behalf of his father who is the owner of 5 Gail Avenue, Mr. Bashkim Boja, to seek an area variance for a 6' fence that does not meet the setback requirement in accordance with the Village of Colonie code. He explained that the fence was constructed without a permit, which they did not know was required, and they weren't aware of the setback requirement. He further explained that the new fence was put where the old posts were, which is only 6 feet from the road. In accordance with §79-19E(2), fences in a side yard must be at least 12.5' inside the lot from the property line.

Chairman Minissale asked if the vinyl fence is replacing chain-link, to which Mr. Boja said yes. Attorney Caponera asked how tall the chain-link fence was, and Mr. Boja said it was either 4' or 4.5'. Mr. Rowinski stated that he noticed there is still chain-link fence at the back of the property and asked if that would be replaced with vinyl. Mr. Boja stated yes, and Chairman Minissale added that a permit would be required. He also asked Mr. Boja when the original fence was erected, and Mr. Boja stated that the fence was there when the home was purchased, and Attorney Caponera added that it could've been a pre-existing non-conforming fence.

Chairman Minissale asked if there has been any damage to the fence from snowplows, and Mr. Boja stated no. Mr. Decker expressed concern with damage being caused to the vinyl fence by plows, as snow can be pushed through chain-link fences, but it would just be pushed against the vinyl fence. Mr. Rowinski suggested adding a clause in the variance that the Village will not be responsible for any damage caused to the fence. Attorney Caponera stated that it appears that the fence is on the Village right-of-way and understands Mr. Decker's concerns. He added that even if the Board requires the fence to be moved, he recommended that the applicant signs a Hold Harmless Agreement holding the Village harmless from any damage or injury caused to the fence or any person, and that this agreement will remain in place with the property itself. The applicant stated that he understands they will be responsible for any damage caused to the fence.

Chairman Minissale asked all members of the Board for their stance on the matter. Mr. Decker stated that he believes the fence should be moved back. Ms. Ritz stated that she believes the fence can stay if the applicant is willing to sign a waiver. Mr. Larrabee and Mr. Rowinski agreed as well. Mr. Larrabee added that this is a good teaching moment in that one should always check with the Village prior to changing things on their property.

Chairman Minissale made a motion to approve the area variance for 5 Gail Avenue, with the condition that the applicant signs a Hold Harmless Agreement with the Village of Colonie, indemnifying them of any liability if the fence is damaged. This motion was seconded by Mr. Larrabee.

VOTE:	Chairman Minissale	YES
	Mr. Chris Larrabee	YES
	Mr. Josh Rowinski	YES
	Mr. Les Decker	NO
	Ms. Ginny Ritz	YES

Motion passed.

A motion was made for the Zoning Board of Appeals to enter into executive session at 7:00 P.M by Chairman Minissale. This motion was seconded by Mr. Larrabee.

VOTE: All in favor.  
Motion passed.

The Board came out of executive session at 7:39 P.M. Attorney Caponera explained that he will prepare a written decision for 38 Robert Drive, and it will be discussed and voted upon at the next regularly scheduled meeting on February 4<sup>th</sup>, 2026.

Chairman Minissale made a motion to adjourn the meeting. This motion was seconded by Mr. Larrabee.

VOTE: All in favor.  
Meeting adjourned at 7:42 P.M.

Respectfully submitted,

Hannah Curran  
Deputy Clerk/Treasurer  
Village of Colonie