



VILLAGE OF COLONIE

VILLAGE HALL

2 THUNDER ROAD
COLONIE, NY 12205

(518) 869-7562 FAX (518) 464-0389

JAMES M. RUBINO
MAYOR

villagehall@colonievillage.org
www.colonievillage.gov

FRANK A. PREVRATIL
DEPUTY MAYOR

PATTY SCHWARZ LOCKART
TRUSTEE

JASON M. DEPAULO
TRUSTEE

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TRUSTEE

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ZONING BOARD OF APPEALS MINUTES WEDNESDAY, FEBRUARY 4, 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, February 4th, 2026.

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

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 January 7th, 2026. Mr. Decker made a motion to approve the minutes as presented. This motion was seconded by Mr. Rowinski.

VOTE: Unanimous to approve.
Motion passed.

38 Robert Drive Nina Crisafulli Area Variance

Mr. Larrabee recused himself from discussion as he is a direct neighbor of the property at hand, and Ms. Ritz was made a voting member. Attorney Caponera read into the record the decision that was prepared regarding the area variance request for 38 Robert Drive. The decision included a summarization of the events that led to the Zoning Board of Appeals meeting on January 7, 2026, where the Board rendered a statement that a written decision would be provided to the applicant within sixty days of the meeting.

The Board reviewed the requested variance application, testimony and supporting documentation, and weighed five considerations in granting an area variance, in

accordance with New York State Village Law §7-712-b. The Board concluded that the applicant's proposal to maintain its landscaping and retaining wall in its current location will have an undesirable effect on the character of the neighborhood. The Board also concluded that the benefit sought can be achieved by another method, namely moving the location of the landscaping and retaining wall back to the property line. The Board offered that the requested variance is substantial, given the fact that nearly 100% of the landscaping and retaining wall is within the right of way of both Robert and Devoe Drive, and the Village of Colonie right of way. The applicant also never sought approval to construct such landscaping and make retaining wall improvements. The Board also offered that its location and closeness to the edge of the pavement of Robert and Devoe Drive does have an adverse effect on surrounding properties. The Board concluded that this is a self-created hardship. The Zoning Board of Appeals is also aware of the fact that they must grant the minimum variance that it shall deem necessary and adequate, while also preserving and protecting the character of the neighborhood, and the health, safety and welfare of the community.

The Board determined that notwithstanding the requirements of §242-5(I)(2) of the Village Code mandating that any structure be at least 25' back from the street line, an area variance shall be granted to the property to allow the landscaping and retaining wall, 4' high lighting structures and stones/rocks to be moved back to the property line of 38 Robert Drive, rather than the required 25' from the street line. The Board also requires the owner of the subject property to submit a certified survey from a licensed surveyor confirming that the landscaping, retaining wall, rocks/stones and 4' high lighting structures have been moved back to the property line. This work should be completed on or before June 1, 2026.

Mr. Rowinski reported that the project is an unlisted SEQR action, and no further action is required under SEQR.

Mr. Rowinski made a motion to accept the decision for the area variance at 38 Robert Drive as presented. This motion was seconded by Mr. Normandin.

VOTE:	Chairman Minissale	YES
	Ms. Ginny Ritz	YES
	Mr. Les Decker	YES
	Mr. Josh Rowinski	YES
	Mr. Trevor Normandin	YES
	Mr. Chris Larrabee	RECUSED

Motion passed.

**1850 Central Avenue
Bohler Engineering/QuickChek
Area Variance**

Steve Wilson was present from Bohler Engineering on behalf of the applicant, QuickChek, to seek an area variance for the proposed gas station at 1850 Central Avenue. Mr. Wilson provided numerous aerial views and historical views of the site over the years, noting that a Sunoco gas station existed on the site prior to Walgreen's occupying the site. Mr. Wilson stated that the current proposal has a similar configuration to the current use, with the New Karner Road curb cut remaining the same, and the Fermac Street curb cut being moved to the South to align with the drive aisle. He explained that the proposed building is 6,730 sq. ft., with the gas canopies also totaling approximately 6,900 sq. ft. He added that the proposal includes parking around the perimeter of the lot, underground fuel tanks in the front of the site, and a dumpster enclosure in the back. Underground stormwater is also proposed at the back of the site.

Mr. Wilson explained that in accordance with §242-8(A)(4)(a), no gasoline station shall be established within 1,000 feet on the same side of the highway, of any other gasoline station or of the site for which a permit to establish a gasoline station has been granted. There is currently a Mobil gas station located at 1854 Central Avenue, which is only 225' from the proposed gas canopies of QuickChek.

In considering whether to grant an area variance, the Zoning Board of Appeals must weigh five criteria, pursuant to New York State Village Law §7-712-b. Firstly, the applicant offered that there will be no negative change to the neighborhood character as the area is already commercial. There will also be site improvements made, including landscaping, modern design and lighting controls. It's also important to note that Walgreen's will be vacating the building regardless of whether a variance or further approval is granted. Therefore, the applicant emphasized the proposed use would enhance the corridor by preventing future vacancy, and especially with two corners of the Rt. 5/Rt. 155 intersection already being dormant. Second, the applicant stated that there are no feasible alternative sites that meet the required setbacks, with the corridor already being so built out. He mentioned that the applicant has tried to increase the separation between the gas canopies as much as possible on the site, while also balancing proper circulation, parking and safe ingress/egress. He added that the variance is the minimum necessary for productive use. Third, in regard to substantiality, Mr. Wilson stated that the numerical relief is large but contextually reasonable. However, he offered that the use does not typically generate traffic, but rather cars stop for gas as they are passing through the corridor. Next, Mr. Wilson explained that there is not believed to be any adverse physical or environmental impacts to the surrounding neighborhood. He offered that a robust landscaping plan will be reviewed by the Planning Commission, and the site would include modern spill containment and NYSDEC-compliant fueling systems. He explained that the underground fuel tanks are polycarbonate so that they don't rust, and they are also double walled so that *if* a tank were to leak, it would go into the encompassing tank and not spill into the ground or the surrounding properties. Chairman Minissale asked if the prior underground fuel tanks were removed. Mr. Wilson stated they are believed to have been removed, but if they are found to be there, it would be fully remediated in accordance with DEC regulations. Attorney Caponera added that it would also be reported to DEC. Finally, Mr. Wilson offered that the proposed use is not a self-created hardship by the applicant, but the difficulty lies in the already built-out

corridor. The 1000-foot setback requirement limits the available parcels that would allow for this use.

Chairman Minissale mentioned that in the provided Environmental Assessment Form, it is indicated that there is a historical site within the vicinity of the site, and he requested clarification. Mr. Wilson explained that this information is generated through a DEC interactive mapper. It was later researched that 1820 Central Avenue, Knighton's Auto, is considered to be a historical site. Chairman Minissale also mentioned that the form indicates that there are nearby wetlands and wondered if there would be any risk of contamination from spills on the site. Mr. Wilson stated that the wetlands aren't close enough in proximity to have an impact on nearby wetlands. He added that fueling areas are required to have the most intense stormwater management treatment by DEC, and it is separated from the rest of the stormwater run off on the property in case of contamination.

Mr. Normandin asked where the next QuickChek is located, to which Mr. Wilson stated that the previously approved location at 32 Wolf Road is currently under construction now. Chairman Minissale mentioned that he would prefer for the curb cut on Fermac Street to not be moved closer to the neighborhood, as the quality of life for the neighbors is important in addition to businesses. Attorney Caponera stated that this was discussed by the Planning Commission and advised that the distances should be measured from the existing and proposed curb cuts to the residences. Chairman Minissale also discussed the concern of lack of green space in the front of the site from the Planning Commission. Mr. Wilson stated that they are looking at options for the site to incorporate these comments, with potentially adding to the proposed landscaping in the front if the submission was to be reviewed further by the Planning Commission. A discussion was held regarding the number of fuel pumps at surrounding gas stations, like Mobil at 1854 Central Avenue (12), Stewart's at 1560 Central Avenue (8) and Cumberland Farms at 1636A Central Avenue (8). Mr. Normandin asked how the fuel delivery truck would enter the site, and Mr. Wilson explained that they could come in through Fermac Street and around the front, or they could enter from New Karner Road. Mr. Larrabee asked when fuel deliveries would occur, and Mr. Kimmel, representative of QuickChek, offered that it is 7-8 times a week when needed, but likely during the daytime. Mr. Normandin asked if the facility would be open 24/7, to which the applicant said yes.

Chairman Minissale made a motion to open the public hearing, and Mr. Larrabee seconded this motion.

VOTE: All in favor.

Motion passed.

Janice Potter, Forest Drive, stated that she is against the proposed gas station, as she believes there are enough gas stations in the Village, between Market 32, Cumberland Farms, Stewart's and USA Gas. She expressed concern if the gas tanks were to explode, and how that would impact the surrounding neighborhood.

Harold Matthews, Fermac Street, is concerned that the proposed project will affect the neighbor's quality of life in that there are numerous children that live on the street, and they would be impacted by the driveway on Fermac Street being moved back. Chairman Minissale replied that this concern has been brought up. Mr. Matthews added that there has been construction debris and dust that has affected his property from nearby projects such as Carmax and Volvo and was concerned that the same may happen with QuickChek. He expressed concern about the noise, and wondered what kind of noise barriers would be put in place. He also expressed disappointment in the communication between residents and the Village, to which Coordinator Curran explained that notices were sent to residents on Fermac Street, it was posted in 6 posting places, and the information was posted to the Village of Colonie website. Mr. Matthews also offered that there are enough gas stations in the area, and the type of customer will be different for a gas station as compared to the current Walgreen's. Finally, Mr. Matthews explained that there are water issues on Fermac Street with the water table being so high and wondered where the run-off from the new site would go. Chairman Minissale stated that if a variance is granted, the Planning Commission would address the drainage concern.

Cori Casey, Cottonwood Place, explained that she is in favor of the proposed project. Being a resident of the Village for her entire life, she offered that the character of the Village is changing, and she is worried that if the project is not approved, the building will just become dilapidated like many sites already on Central Avenue.

Allan Smith, Loralee Drive, stated that he is also in favor of the proposed project. He offered that he understands the concerns with stormwater, but he also feels that we should be pro-development in the Village. He added that one of the reasons that Village taxes remain so low is for the businesses and development in the community.

Mr. Wilson stated that the green space concern on Fermac Street will be addressed. He addressed the stormwater concern, explaining that the site will be brought up to date with stormwater regulations with no additional runoff being anticipated from the site. The system will likely result in improvements to the site. In regard to construction debris, Mr. Wilson stated that the Village would require a Stormwater Pollution Prevention Plan, which will include dust and erosion control techniques. Mr. Larrabee asked if any issues would be addressed if brought to their attention by neighbors, to which Mr. Wilson said yes, and added that they are not looking to be bad neighbors. In regard to noise, Mr. Wilson stated that details will be addressed in the later review, in addition to enhancing the landscaping. Chairman Minissale expressed concern with being able to take a left onto New Karner Road from the site. Mr. Wilson stated this will be addressed with the Planning Commission, as well as how the site will be accessed from Fermac Street.

Code Enforcement Officer Steve Meserve stated that he is sympathetic to the neighbors and how they will be impacted, but he is in favor of this project. He offered that similar conversations were had with the construction of Stewart's at 1560 Central Avenue, but now, the corner has been improved tremendously. From a Code Enforcement perspective, he stated that construction has begun for QuickChek at 32 Wolf Road, and the contractors have been extremely aware of their surroundings. The site has been kept clean, and

though the project is in a Commercial district, they are concerned about their neighbors. He added that Central Avenue is a commercial zone, and if Walgreen's is going to leave the site, he is worried that it will be another dilapidated building that his department will have to worry about. With businesses struggling to stay open, he asked the Board to consider the fact that there is a business looking to get approval before the current tenant leaves.

Mayor Jim Rubino addressed the concern regarding lack of communication and advised that the website is kept up to date with agendas and minutes for all of our meetings. He encouraged residents to contact Village Hall if ever they have any questions. He added that the Village Board meets on the 1st and 3rd Monday of each month and encouraged residents to attend to stay current with what is going on in the Village.

Mr. Wilson asked if landscaping and the Fermac Street access issues will be addressed with this Board or the Planning Commission, to which Attorney Caponera stated that it could be discussed by both.

Mr. Decker made a motion to close the public hearing. This motion was seconded by Mr. Rowinski.

VOTE: Unanimous to approve.
Motion passed.

Mr. Rowinski stated that after further review, this is an unlisted SEQR action which requires no further action under SEQR for Zoning Board of Appeals.

Chairman Minissale made a motion to grant the area variance for QuickChek at 1850 Central Avenue, on the condition that the applicant will consider keeping the existing curb cut from the site to Fermac Street as it exists with the current use of the site. If the applicant cannot design a site configuration that includes the exact existing curb cut, the applicant will return to the Zoning Board of Appeals to seek a modification to the variance. Mr. Larabee seconded this motion.

Mr. Rowinski offered that moving the curb cut back may be better from a transportation perspective, stating that traffic may back up into the parking lot.

VOTE:	Chairman Minissale	YES
	Mr. Les Decker	YES
	Mr. Josh Rowinski	NO
	Mr. Trevor Normandin	NO
	Mr. Chris Larrabee	YES

Motion passed.

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

VOTE: All in favor.
Motion passed.
Meeting adjourned at 7:30 P.M.

Respectfully submitted,

Hannah Curran
Deputy Clerk/Treasurer
Village of Colonie