# VILLAGE OF COLONIE

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## ZONING BOARD OF APPEALS MINUTES
## THURSDAY, JULY 1, 2026
## 6:30 PM

A special meeting of the Village of Colonie Zoning Board of Appeals was held at Village Hall, 2 Thunder Road, Albany, NY 12205, on Thursday, July 1st, 2026.

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| **ROLL CALL:** | Chairman: | Phil Minissale | Present |
| | Members: | Trevor Normandin | Absent |
| | | Joshua Rowinski | Present |
| | | Christopher Larrabee | Absent |
| | | Les Decker | Absent |
| | Alternate: | Ginny Ritz | Present |
| | Village Attorney: | Victor Caponera | Present |
| | Village Liaison: | Patty Lockart | 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 March 4th, 2026. Ms. Ritz made a motion to approve the minutes as presented. This motion was seconded by Mr. Rowinski.

VOTE: Unanimous to approve.
Motion passed.

**13 Loralee Drive**
**Platform Management/Advance Engineering**
**Area Variance**

Nick Costa was present from Advance Engineering on behalf of the applicant, Platform Management, to seek an area variance for 13 Loralee Drive. Jason Hoogkamp was also present as the Facilities Director of Platform Management. Mr. Costa explained that this 15,000 sq. ft. parcel is located at the corner of Loralee Drive and Daniel Lane, and it has an existing house on the lot. The applicant is looking to subdivide the parcel into two 7,500 sq. ft. lots. However, in the Residential A zoning district, each lot must be a minimum of 9,375 sq. ft, and it must also have a minimum depth of 125 ft, where the proposal offers 100 ft. Mr. Costa provided the tax map for the neighborhood, indicating that some of the adjacent lots are even smaller than the proposal, with the two adjacent lots being 6,600 sq. ft. and 7,000 sq. ft. In the Hanifin Avenue neighborhood, the lots are

even smaller. If an area variance is granted, a single family, 1,245 sq. ft. home would be constructed on the new lot.

Attorney Caponera explained the lot requirements in a Residential A zone, adding that the proposal does not meet the minimum square footage or depth. He added that the subsection of the code does not apply to any existing single lot located on a previously accepted Village street held as of June 11, 1957. He asked if the lot was bought as it is currently, to which Mr. Costa said yes. Attorney Caponera also asked when the subdivision was approved, to which Mr. Costa stated that the Pullman Gardens subdivision was established in 1952. Therefore, all of the existing lots in the neighborhood are pre-existing non-conforming.

Mr. Costa explained that the existing house would stay, and the new house would have a Daniel Lane address with a driveway that will go onto Daniel Lane. Attorney Caponera asked what this property is used for now, and Mr. Costa explained that it's part of the yard. Attorney Caponera also advised that if approved, a separate deed will need to be filed to create two separate lots. He also added that the ZBA could put a condition on the variance that the house would have to look as proposed. Mr. Hoogkamp assured the Board that the house would look exactly as proposed. Mr. Rowinski inquired about the proposed driveway, and Mr. Costa explained that it will likely be a 12' wide driveway, with potentially a small turn-around near the house so that vehicles don't have to back out onto the road.

Attorney Caponera also noted that there appears to be a vinyl shed on 4 Daniel Lane that encroaches on this lot, and he asked if any discussion has been had with the property owner. Mr. Hoogkamp stated no, since the survey is rather new. Mr. Hoogkamp also shared that the stockade fence that appears to encroach does belong to Platform Management.

Attorney Caponera read aloud a letter of opposition from Mr. and Mrs. Messier from 4 Daniel Lane, which is directly adjacent to the parcel at hand. Mr. and Mrs. Messier declared their opposition to the project and detailed their reasoning through the criteria that must be considered by the ZBA in deciding whether a variance should be granted. The Messier's argued that the proposed relief is substantial, as it fails to meet the lot size requirement by 20%, and minimum lot sizes exist to protect the character of the neighborhood. They also stated that this difficulty is self-created, since the property is owned by a management company that is trying to create a new buildable lot for profit. Third, the Messier's stated that the benefit sought can be achieved without a variance since they already own the lot and can use the property as it currently exists. The Messier's also suggested that the variance would produce an undesirable change to the neighborhood character since the neighborhood as a whole is a tight-knit community with one point of access from Vly Road, and they are concerned that a change to this property would have undesirable effects. The Messier's also argued that there is no minimum variance available, in that the variance cannot be reduced in a way that would still satisfy the minimum standard. They also requested that a stormwater and drainage review be done before a vote is made, since the parcel is currently green space, and adding a house

and impervious surfaces may impact storm water and drainage onto adjacent parcels. They asked whether the Village Engineer has reviewed the plan. In conclusion, Mr. and Mrs. Messier strongly urged the ZBA to vote against the area variance for 13 Loralee Drive.

The Zoning Board of Appeals conducted the balancing test outlined in NYS Village Law §7-712-b, beginning with whether the variance is substantial. Attorney Caponera offered that while it may be a 20% deviation, the Board must look at the totality of circumstances and weigh the benefit of the applicant versus the detriment to the surrounding properties. In regard to whether the hardship is self-created, Attorney Caponera stated this is true. The property was purchased with the understanding that there is a minimum lot size requirement of 9,350 sq. ft. Next, Attorney Caponera explained that the claim that the benefit cannot be achieved by any other method is not true, since the property can be used as it currently exists without needing a variance. In whether the variance would produce an undesired change to the neighborhood, Attorney Caponera stated that many of the lots are non-conforming since they predate the code. Finally, the Board must consider if the variance can be obviated. They could purchase more land to create a code conforming lot. However, this is not feasible since there are already homes on the adjacent lots. Attorney Caponera asked what the topography of the property is, to which Mr. Costa stated it's very flat. He added that the Village's code states that if a lot is being developed, all of the storm water has to be maintained on the lot. Mr. Costa added that there are storm water structures, with catch basins in the intersection. Further, he stated that the soil is very sandy, so roof runoff will likely be directed into some dry wells, and the water will dissipate into the native soil. Attorney Caponera also stated that the project is an unlisted SEQR action, so no further environmental review is necessary.

Mr. Rowinski questioned the vinyl shed on the property of 4 Daniel Lane, stating that it isn't five feet from the property line, and it's currently encroaching on the adjacent property. He asked if a clause should be added to the variance. Attorney Caponera stated that the shed may be pre-existing non-conforming.

Mr. Hoogkamp asked if the Board has any problems with the variance being granted due to the property being owned by a business. Attorney Caponera explained that it is a consideration that can be made, since the subdivision is being proposed for profit. He added that the variance will run with the land, so if the property changes hands, the variance is still valid.

After considering the benefit to the applicant versus the detriment to the neighborhood, Chairman Minissale made a motion to approve the area variance for 13 Loralee Drive, to allow for a single-family building to be constructed on a lot less than 9,375 sq. ft, with a depth less than 125 ft. This motion was seconded by Ms. Ritz.

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| VOTE: | Chairman Minissale | YES |
| | Mr. Josh Rowinski | YES |
| | Ms. Ginny Ritz | YES |

Motion passed.

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

VOTE: Unanimous to approve.
Motion passed.

Meeting adjourned at 7:08 P.M.

Respectfully submitted,

Hannah Curran
Deputy Clerk/Treasurer
Village of Colonie