VILLAGE OF COLONIE

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ZONING BOARD OF APPEALS MINUTES
WEDNESDAY, OCTOBER 6, 2026
6:30 PM

A regular meeting of the Village of Colonie Zoning Board of Appeals was held at Village Hall, 2 Thunder Road, Albany, NY 12205, on Wednesday, October 6th, 2026.

ROLL CALL:	Chairman:	Phil Minissale	Present
	Members:	Trevor Normandin	Present
		Joshua Rowinski	Present
		Christopher Larrabee	Absent
		Les Decker	Present
	Alternate:	Ginny Ritz	Present
	Village Attorney:	Victor Caponera	Present
	Village Liaison:	Patty Lockart	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 July 1st, 2026. Mr. Decker made a motion to approve the minutes as amended. This motion was seconded by Mr. Rowinski.

VOTE: Unanimous to approve.
Motion passed.

Chairman Minissale made a motion to open the public hearing. This motion was seconded by Mr. Rowinski.

VOTE: Unanimous to approve.
Motion passed.

1528 Central Avenue
Arbind Singh/Art Threading Salon
Area Variances

Coordinator Curran read aloud the public hearing notice as it was presented in the newspaper. The applicant was present for the following variances:

- §242-5(A)(6): A separate self-contained dwelling unit which contains a maximum gross floor area of 600 square feet and no more than one bedroom,

which is designated for occupancy by no more than two persons. The proposed second floor bedroom is 526 square feet.

- §242-8(C)(2)(d): Barbers and beauty shops require one parking space per employee, plus three additional spaces per work station An additional 2 spaces would be required in accordance with §242-5(G)(1)(c) for the accessory apartment. This business would therefore require 10 sparking spaces, but 8 are proposed.
- §242-8(D)(5): Where a lot abuts a lot which is used for residential purposes or is in a residential district, a buffer area shall be provided along the common property line, which shall not be less than 25 feet in width, and covered with at least six feet high of vegetation with a six-foot fence. With extending the parking, there is a 4'-6' buffer proposed to rear residential properties.

Arbind Singh was present as the property owner of 1528 Central Avenue. Dan Sanders was also present from Harris A. Sanders Architects as the engineer for the project. Mr. Singh explained that the business is looking to add another workstation, while also occupying the 2nd floor apartment. The site plan application was denied from the Planning Commission and referred to the Zoning Board of Appeals for a number of variances. Mr. Sanders further explained that they are looking to occupy the building as mixed-use, with a second-floor apartment totaling 526 sq. ft. For the first-floor business, Mr. Sanders explained that when adding an additional chair, the parking requirement is increased as well. The proposal includes extending parking to include as many spaces on the property as possible, while also offering a 4' to 5' buffer with landscaping. Mr. Sanders added that the proposal also includes removing a deck on the South side of the property to provide a more suitable and handicapped accessible entrance, as well as a separate entrance for the tenant so they don't have to go through the business to get to their apartment. He stated that this new entrance would encroach on the side yard setback. Mr. Sanders stated that a single parking space on the North side of the building would be maintained, proposing that the site will have a total of 8 spaces.

Chairman Minissale asked about the size of the buffer, requesting confirmation that the applicant is requesting a variance for 20' of relief, to which Mr. Sanders said that was correct. He explained that they are looking to provide as much parking as the site can hold to support the apartment and the business expansion, which in turn, reduces the amount of a buffer that can be provided.

Attorney Caponera asked what kind of business the applicant has, and Mr. Singh stated that it is a threading business that his wife currently runs, and she is the only employee. Mr. Singh provided more of an explanation into how the business operates. Attorney Caponera explained the requirement for parking, stating that they currently have 5, and would need 9 to accommodate the apartment occupancy and an additional workstation for the business. Attorney Caponera also asked if the 25' buffer is currently maintained, to which Mr. Sanders said yes, but this buffer would be encroached upon if the variance for the parking were to be granted.

Attorney Caponera read into the record a letter that was received from Chief Code Enforcement Officer Steven Meservey. Mr. Meservey stated that his department is not in support of the variance requests. He offered that his apartment discovered that the apartment was being illegally rented, and the owner was uncooperative in having the tenant removed. He shared his concerns with the lack of available parking and buffer to the adjacent residential properties. Mr. Singh explained that while it was true Code Enforcement discovered the apartment was being inhabited, Mr. Singh was helping a relative to locate more permanent housing. Attorney Caponera also read in the record a letter that was received by Carrie Lindemann, Holland Avenue, who resides behind 1528 Central Avenue. Ms. Lindemann explained that while she does not have any objection to the business expansion or apartment occupancy, she does have concerns with the lack of a buffer for her property. Ms. Lindemann provided photos to the Board, demonstrating the current lack of vegetation and fencing. She further explained that there used to be trees, which provided some buffers, but the trees have since been cut down. She expressed concerns with having no barrier from their property to her property, stating that she is worried about someone accidentally driving into her garage, in addition to having a lack of privacy.

Attorney Caponera stated that a fourth variance would be required for the addition of an entrance that encroaches on the sideline setback, which was not previously discussed. Coordinator Curran stated that the Planning Commission denied the application due to the three reasons previously stated, and a fourth reason being that the parking spaces did not meet the width requirement. She added that this change was made to the plan, which is why the application only indicated three variances that were needed. Attorney Caponera asked what percentage of green space is offered for the site, and Mr. Sanders stated he didn't have this information available, but it was likely to be an 80% to 90% reduction. Attorney Caponera stated a variance would likely be needed for green space then as well. After discussing all of the requested variances, and the potential for additional variances, Attorney Caponera explained that the variances are tied together, in that all of them would need to be granted in order for the applicant to achieve his goals.

The Zoning Board of Appeals conducted the balancing test outlined in NYS Village Law §7-712-b, to weigh the benefit to the applicant with the detriment to the surrounding properties. Beginning with whether the request is substantial, the Board determined that the request for relief in the 25' buffer is a substantial request, based on the totality of the circumstances and comments heard by the Board. Second, in whether there would be a detriment to the surrounding properties, the Board determined that it would likely be a detriment, due to Ms. Lindemann's concerns of property damage and lack of privacy. Third, the Board must consider whether the benefit sought can be achieved by another method. Attorney Caponera explained that in order to comply with the Village of Colonie code, the proposed variances, and then some, would need to be granted. Therefore, the benefit cannot be achieved by any other method. Further, the Board also determined that the proposal could create an undesirable change to the neighborhood, based on the comments made regarding a lack of a buffer to the residential area. Finally, Attorney Caponera explained that the hardship is self-created, as the property owner is looking to expand their business while having knowledge of what the Village of Colonie Code

allows. However, Attorney Caponera stated that that this item is a matter to be considered by the Board and would not automatically preclude the Board from granting the variances.

After considering the benefit to the applicant versus the detriment to the neighborhood, Chairman Minissale made a motion to deny the three variance requests for 1528 Central Avenue.
Mr. Rowinski seconded this motion.

VOTE: Unanimous to approve the motion.
Motion passed.

1602 Central Avenue
Mauri Architects/Rehabilitation Support Services
Area Variances

Coordinator Curran read aloud the public hearing notice as it was presented in the newspaper. The applicant was present for the following variances:

- §242-8(D)(4): No less than 50% of the provided green space may be in the front yard. The proposed development provides 9.6% (3,848 sq. ft.) green space, where 31.5% is required (12,504 sq. ft.).
- §242-11(F)(1): Parking spaces shall be serviced by a two-way, 24' wide roadway. A 20' driveway is proposed within the site.

Richard Tompkins was present from Mauri Architects, on behalf of the applicant, Rehabilitation Support Services, to request two area variances for the site at 1602 Central Avenue. The applicant is proposing to demolish the existing structures, and construct a single story, 8 bed community living facility. Mr. Tompkins explained that the applicant has been in front of the Planning Commission for site plan review, and the Commission requested that the building be moved back slightly from Central Avenue, and this change was made. He added that there is a 24' driveway that comes in from the roadway, but it is reduced to 20' for the width of the house before it increases to 26' towards the parking area. Mr. Tompkins explained that the Office of Mental Health prefers that these facilities look more residential in nature, hence why the applicant would like to have a reduced driveway, which also allows more green space for the residents and surrounding community. He explained that the applicant is requesting a green space variance, as the percentage in the front yard does not meet the requirement. He added that while they moved the building back an additional 15 feet due to the Planning Commission's comments, it still does not meet the requirement in the front yard. He added that they would like to refrain from moving it back further to keep the surrounding buildings in line, while also providing more of a residential backyard for the facility.

Attorney Caponera offered that this application is unique and advised the Board that New York State is specific on these types of uses, meaning that while they still need to comply with the reasonable standards of the municipality, the municipality cannot out-zone them. He added that the use in nature is allowable in accordance with the Village of Colonie

Code. The changes that have been made highlights the willingness the applicant has had to work with the Village thus far.

Lauren Tegnander, Chief Operating Officer from RSS, was present to discuss the operations. She explained that RSS is a non-for-profit organization operating in 20 counties in New York State, and they are proposing to build a community residence for adult individuals with mental health concerns. She added that 24/7 support is provided, and it is a voluntary program with a thorough intake process, with the ultimate goal being supporting individuals as they transition into more independent living in the community. Stephen Almy was present as counsel for the project and explained that the Padavan Law was enacted in 1978 to encourage these types of developments in municipalities, while restricting municipalities from discouraging the uses.

Janice Potter, Forest Drive, expressed concerns for the safety of the residents in the facility in regard to activity from the neighboring motels. Attorney Caponera explained that this was brought up to the Planning Commission, and the applicant has proposed to put a fence around the property. The applicant is also fully aware of the surrounding properties.

The Zoning Board of Appeals conducted the balancing test as outline in NYS Village Law §7-712-b. It was determined that there would not be a reduction in character to the neighborhood nor would there be a detriment to nearby properties due to the granting of the variances. It was suggested that this property would be an improvement to the streetscape. In whether the benefit sought could be achieved by another method, this is true, as the building could be moved further to achieve the required green space and the road could be widened to meet the code. However, the applicant has provided reasoning for not doing so, and they have already made changes to the site as requested by the Planning Commission. The Board determined that the variance request is not substantial, and that there would not be any adverse effects on physical or environmental conditions in the neighborhood. Finally, the Board offered that while it is a self-created hardship, it is an item to be considered and does not preclude the granting of a variance. Mr. Rowinski stated that the project is an unlisted SEQR action, so no further environmental review is necessary.

After considering the benefit to the applicant versus the detriment to the neighborhood, Mr. Rowinski made a motion to approve the two variances for 1602 Central Avenue. Mr. Decker seconded this motion.

VOTE: Unanimous to approve.
Motion passed.

39 Tanglewood Road
Basile Construction Solutions/Cynthia DeBrockey
Area Variances

Coordinator Curran read aloud the public hearing notice as it was presented in the newspaper. The applicant was present for the following variances:

- §242-5(I)(3)(a): No single-family dwelling shall be placed on any portion or lot less than 75 feet wide. The proposed lot is 65 feet wide.
- §242-5(I)(4)(a): No single-family dwelling shall be erected within 10 feet of the side lot line. The proposed dwelling is to be placed 7.5 feet from each of the property lines.

Nick Costa, Advance Engineering, was present as the engineer for the applicant. Nicholas Basile, Basile Construction Solutions, and Cynthia DeBrockery were present as the applicant and the property owner for 39 Tanglewood Road. Mr. Costa explained that the applicant is looking to rebuild a 1,284 sq. ft. single-family home, in accordance with the residential use of all of the surrounding lots. He added that the lot previously had a home on the lot, but after suffering a fire, the home was removed. The proposed home would have an attached garage, while many of the other homes in the neighborhood have detached garages, making it just a bit different. The home would only be 7.5 feet from each sideline, where it is required to be 10 feet. Attorney Caponera asked if this sized lot is standard for the filed subdivision, to which Mr. Costa said yes, however, the Zoning code has since changed. The lot must be 75 feet wide, and the current lot is only 65 feet wide. Due to the footprint and small size of the lot, the two above-mentioned variances are requested. Attorney Caponera advised that the applicant is not looking to subdivide the lot to build another property, but they are looking to rebuild a home on an existing lot.

Mr. Normandin asked how close the building on 37 Tanglewood Road is to the property line. Mr. Costa stated that it appears to be 3 feet. Mr. Rowinski asked if any of the neighbors have provided their input on the project. Mr. Costa shared that the owner has expressed that the neighbors are in support of her rebuilding, also offering that the project will likely increase property values in the neighborhood.

Attorney Caponera advised the Board that the minimum lot size in the Residential A district is 9,375 sq. ft., which the lot exceeds due to its depth. The proposed lot is 9,555 sq. ft. but just does not meet the requirement due to its width.

Wayne Smith, Tanglewood Road, is the resident kitty corner from the project. Mr. Smith explained that he grew up in the neighborhood, and all of the lots in the neighborhood are 65’ wide, so the property should be grandfathered in. He added that he does want to see Ms. DeBrockey rebuild. He expressed safety concerns with the house at 37 Tanglewood Road being only 3 feet from the property line, resulting in these two houses only being 10 feet apart. It was discussed that this variance was likely issued in the 1970s.

Christine Wilson, Tanglewood Road, resides two houses from the project, and also shared that she grew up in the neighborhood. She stated that she is in support of Ms. DeBrockey rebuilding, because she feels that it is the right thing to do. Ms. Wilson stated that the variance at 37 Tanglewood Road affects her property, and her parents gave the owner permission to move their driveway and have the variance granted.

Marvin Helf, Tanglewood Road, lives directly across from 39 Tanglewood Road. Mr. Helf stated that he is in support of Ms. DeBrockey rebuilding but shares the same concerns as Mr. Smith in regard to the sideline setback of the house next door. He also added that he can understand how the new home will affect property values in the neighborhood. Mr. Helf asked if the home needs to be 25' from the front property line, and Mr. Costa stated that the home is proposed to be 31' from the front property line. Therefore, there is no variance required or requested for the front setback. Mr. Helf stated that he likes that the garage is attached, as it makes the home more compact.

The Zoning Board of Appeals conducted the balancing test outlined in NYS Village Law §7-712-b. Attorney Caponera asked if the variance would result in an undesirable change in the character of the neighborhood, and based on the comments heard, the Board determined that the variance granted would not do such. There was a home previously on the property, but the lot is non-conforming. Mr. Costa shared that the home is two bedrooms with one bathroom, so it is already a compact design. Mr. Basile stated that the construction plans are a standard plan, which is a much faster way to get the property owner back in her home. Therefore, they aren't able to make changes to the footprint or room sizes. Mr. Normandin asked if it is a modular home, and Mr. Basile said no, it is traditionally built. The Board determined that the variance request of 2.5 feet of relief in the side setback was not substantial, and further, the variance would not result in having an adverse effect on the neighborhood. Finally, Attorney Caponera advised that while this is a self-created hardship, it is a consideration and does not automatically warrant a denial. Mr. Rowinski stated that the project is an unlisted SEQR action, so no further environmental review is necessary.

Chairman Minissale made a motion to approve the two area variances for 39 Tanglewood Road.
Mr. Rowinski seconded this motion.

VOTE: Unanimous to approve.
Motion passed.

Chairman Minissale made a motion to close the public hearing.
Mr. Normandin seconded this motion.

VOTE: Unanimous to approve.
Motion passed.

Mr. Decker made a motion to close the meeting.
Chairman Minissale seconded this motion.

VOTE: Unanimous to approve.
Motion passed.

Meeting adjourned at 7:39 P.M.

Respectfully submitted,

Hannah Curran
Deputy Clerk/Treasurer
Village of Colonie