



TOWN OF COLONIE

Zoning Board of Appeals
Public Operations Center
347 Old Niskayuna Road
Latham, New York 12110

Peter G. Crummey
Town Supervisor

Phone (518) 783-2706 Fax (518) 783-2772
<https://www.colonie.org/boards/zba/>

Peter R. Crouse
Chairman

MINUTES OF MEETING ZONING BOARD OF APPEALS January 15, 2025

Chairman Peter R. Crouse called the meeting of the Town of Colonie Zoning Board of Appeals to order on **January 15, 2025**, at **7:00 p.m.** at the Public Operations Center, 347 Old Niskayuna Road, Latham, New York.

Present:	Chairman	Peter R. Crouse	Absent:	Member	James Campbell
	Member	P.J. Blanchfield		Member	George Vogt IV
	Member	Steven Girvin			
	Member	Christopher Rueckert			
	Member	Frederick Weinraub			
	Counsel	David M. Brickner			

The meeting minutes of **January 2, 2025**, were reviewed. Chairman Crouse made a motion to approve the minutes. Member Rueckert seconded the motion. Upon roll call, the minutes were approved unanimously.

A public hearing was held on the application of **Paul Rinella** for the premises located at **24 Lincoln Avenue**. Chairman Crouse made a motion to adjourn the hearing until the April 2, 2025, Zoning Board of Appeals meeting. Member Rueckert seconded the motion. Upon calling the vote, the motion to adjourn the hearing passed unanimously.

A public hearing was held on the application of **Kim Emmons (Emmons Metro LLC)** for the premises located at **11 Arch Street (aka 2 Guy Lane)**. Luigi Palleschi made a presentation to the Board. Chairman Crouse made a motion to approve the variance with the condition that the existing vegetation on the premises must remain. Member Rueckert seconded the motion. Upon calling the vote, the motion to conditionally approve the variance passed unanimously.

There being no more business, Chairman Crouse made a motion to close the meeting at 7:54 p.m. Member Rueckert seconded the motion and, upon roll call, the motion to close passed unanimously.

Approved: _____ Date: _____
Chairman Peter R. Crouse



Peter G. Crummey
Town Supervisor

TOWN OF COLONIE

Building Department
Public Operations Center
347 Old Niskayuna Road
Latham, New York 12110

Phone (518) 783-2706 Fax (518) 783-2772
www.colonie.org/departments/building
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Chretien T. Voerg, P.E.
Director

Date: January 24, 2025

To: Members of the Zoning Board of Appeals

From: Chretien T. Voerg, P.E., Director

Subject: **Zoning Board of Appeals Agenda – February 5, 2025**

New Hearings:

24-053 17 & 19 Canal Street – Vision Planning Consultants LLC



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Peter R. Crouse
Chairman

TAKE NOTICE that the Town of Colonie Zoning Board of Appeals will hold a public hearing at the Public Operations Center, 347 Old Niskayuna Road, Latham, in the Town of Colonie, on the **5th day of February 2025, at 7:00 p.m.** to hear the appeal of **Vision Planning Consultants LLC** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **17 & 19 Canal Street**. The proposed merger of two lots to create a single 3,799± sq. ft. lot for the future construction of a single-family dwelling with a 6 ft. front yard setback and a 7 ft. rear yard setback is not compliant with the 18,000 sq. ft. minimum lot size, 40 ft. minimum front yard setback, and 25 ft. minimum rear yard setback required in a Single Family Residential (SFR) zoning district and is not compliant with the requirement to maintain continuous minimum lot width between the front lot line and front building setback line as stated in the Town of Colonie Land Use Law, Article VI, Section 190-24, 190-25, Attachment #2 – Dimensional Table. The Zoning Board of Appeals will hear the request for variance from the provisions of the Code of the Town of Colonie, Chapter 190 to permit such construction and use and a SEQR Determination for such appeal. The public may view and listen to the Zoning Board of Appeals hearing on the Town's website by typing <https://colonieny.iqm2.com/Citizens/Default.aspx> in your web browser. The public may present comments to the Board in person or by emailing infozba@colonie.org. (Emailed comments must be received at least 24 hours in advance). Such comments will be read and addressed by the Chairman during the hearing.

ZONING BOARD OF APPEALS
PETER R. CROUSE, CHAIRMAN

DATED January 23, 2025



BUILDING AND FIRE SERVICES DEPARTMENT

TOWN OF COLONIE
PUBLIC OPERATIONS CENTER
347 OLD NISKAYUNA ROAD
LATHAM, NEW YORK 12110-2286

(518) 783-2706
Z 262401160

ZONING VERIFICATION – SUBDIVISION / MERGER

APPLICATION FOR ZONING VERIFICATION FOR A SUBDIVISION OR MERGER OF LAND
(SUBMIT TO TOWN OF COLONIE BUILDING DEPARTMENT)

THIS FORM WILL BE ON FILE IN THE BUILDING DEPARTMENT FOR 1 YEAR

THIS FORM IS TO BE USED IF YOU PROPOSE A COMMERCIAL SUBDIVISION OR MERGER.
ANOTHER FORM IS AVAILABLE IF YOUR PROPOSAL IS FOR SOMETHING BESIDES A SUBDIVISION OR MERGER.

Any proposal which requires a Town of Colonie Building and Zoning Permit or an approval issued by the Town of Colonie Planning Board/Department must first be reviewed by the zoning enforcement officer of the Town of Colonie to determine whether the proposal violates any provision(s) of the Town of Colonie Zoning Law. The officer's determination is based upon the information submitted on this form and such determination is subject to review and change if the project is modified at a subsequent date. The officer reserves the right to request further information if it is deemed necessary. A disapproval of the application by the zoning officer means the project, as designed, cannot proceed for the means provided. If you the applicant disagree with the zoning officer's determination you may appeal said determination to the Town of Colonie Zoning Board of Appeals. The applicant further agrees and understands that a new "Application for Zoning Verification" may have to be submitted if the applicable zoning laws change before the proposed action is completed.

1. GENERAL INFORMATION (MUST BE TYPEWRITTEN OR PRINTED LEGIBLY)

Address of site of proposed subdivision:

1719 CANAL ST. WATERVILLE N.Y. 12047
Number Street City State Zip Code

Name of Applicant: Vision Planning Consultants LLC

Address of Applicant: P.O. Box 442 NEWTONVILLE N.Y. 12128
Number Street City State Zip Code

Applicant's telephone numbers: W _____ Cell 518-857-4486

Contact Person: TED DEWICK

Contact Person's Address: P.O. Box 442 NEWTONVILLE N.Y. 12128
Number Street City State Zip Code

Contact Person's telephone numbers: W _____ Cell 518-857-4486

Property Owner(s): NICK TOMMASINI

Address of Property Owner: 2 Hilltop Dr. COHUES N.Y. 12047
Number Street City State Zip Code

Property Owner's telephone numbers: W _____ H _____

2. FEE

A non-refundable fee is required at time of application or when processed and ready for pickup.

Minor Subdivision / Merger (1 – 4 lots) \$310.00 Check # _____ Cash _____
Major Subdivision / Merger (over 4 lots) \$650.00 Check # _____ Cash _____

3. PLOT PLAN

A plot plan with the following information must be submitted with this application. Failure to provide the required information will result in denial of this application for zoning verification.

- zoning district boundaries within 300 ft. of site
- outside boundary of the parcel(s) to be subdivided
- boundary of all proposed lots
- typical lot layout with setbacks
- building setback line(s) and distance from front property line to the building setback line
- proposed streets / existing public highways
- right of way of all streets affected by project or to be constructed
- a note describing the scale used
- proposed street names
- proposed lot numbers
- any existing buildings, with setback dimensions to any new lot or street line
- area of each proposed lot (sq. ft.)
- width of lot at front property line and also at front setback line
- any proposed signs
- title block with name of subdivision and date of map
- north arrow

Over

4. APPLICANT'S PROPOSED SUBDIVISION / MERGER:

Describe Present Use:

TWO VACANT LOTS

Describe the proposed subdivision / merger in detail:

TO MERGE THESE TWO LOTS
TOGETHER TO BUILD A NEW ONE FAMILY HOME

5. SITE STATISTICS:

How many existing parcels comprise the project site?

2

Total number of parcels after subdivision or merger?

1

The project site is located in what zoning district(s)?

SFR

Total area of existing parcel(s):

acres 3.799

and square feet

(Refer to Town of Colonie Zoning Map/Laws)

BOTH PROPERTIES

Proposed Lots:

Maximum lot size: square feet

3799

Minimum lot size: square feet

Proposed Streets:

Streets proposed to be constructed? Yes No ☒

If no, is the parcel on a dedicated street? Yes ☒ No

What is the minimum right-of-way width proposed? 92 ft

What is the minimum frontage on a street a proposed lot will have 50 ft?

Buildings:

How many units are proposed?

1

What is the density (units per acre)?

1/12

What are the proposed uses?

ONE FAMILY

Stories (If known at this time)?

2

What is the maximum height of any building to be constructed? 24 feet

SIGNATURE OF APPLICANT:

TED DELUCA

PRINTED OR TYPED COPY OF SIGNATURE:

TED DELUCA

DATE

10/14/24

XXXXXXXXXXXX ZONING OFFICERS DECISION BELOW XXXXXXXXXXXXXXX

Are there easements on the property
Parcel in/near a floodplain
Parcel in/near a wetland
Variance granted on property
Copy of Assessor's card(s) attached
Copy of County Tax Map

Yes ☒ No ☒
Yes ☒ No ☒
Yes ☒ No ☒
Yes ☒ No ☒
Yes ☒ No ☒
Yes ☒ No ☒

Was the parcel created or divided since 1966
Protected watercourse on/near the property
Is existing use nonconforming
Subdivision of record on file
Existing violation or outstanding permit

Yes ☒ No ☒
Yes ☒ No ☒
Yes ☒ No ☒
Yes ☒ No ☒
Yes ☒ No ☒

YES NO

☒ ☒

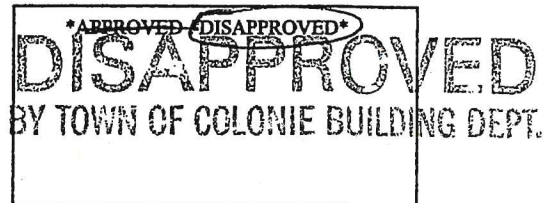
VIOLATION - CHAPTER 190-8 (BUILDING PERMITS REQUIRED)

CONSTRUCTION STARTED WITHOUT OBTAINING ZONING AND BUILDING PERMIT.

TO THE APPLICANT:

You may now file an:

- ☒ Application for Subdivision Approval (Planning and Economic Development)
☒ Application for a Zoning Variance or Interpretation (Zoning Board of Appeals)
☐ Application for a Special Use Permit (Planning Board)
☐ Application for Open Development Area (Town Board)
☐ Application for Zoning Verification (Building & Fire Services)



This approval is subject to receiving approval from the Town of Colonie Planning & Economic Development Department

I, J.S. MAHAN, zoning officer of the Town of Colonie do hereby find that the proposed action as described above, and in any attachments hereto,

IS IN ACCORDANCE

APPROVED DATE

IS NOT IN ACCORDANCE

SIGNATURE OF ZONING OFFICER

SIGNATURE OF ZONING OFFICER

DISAPPROVED DATE

10/29/24

With the Chapter 190 of the Colonie Land Use Law that are effective as of this date.

The proposed merger of two lots to create a single 3,799± sq. ft. lot for the future construction of a single-family dwelling with a 6 ft. front yard setback and a 7 ft. rear yard setback is not compliant with the 18,000± sq. ft. minimum lot size, 40 ft. minimum front yard setback, and 25 ft. minimum rear yard setbacks required in a Single Family Residential (SFR) zoning district and is not compliant with the requirement to maintain continuous minimum lot width between the front lot line and front building setback line as stated in the Town of Colonie Land Use Law, Article VI, Section 190-24, 190-25, Attachment #3, Dimensional Table.

**APPEAL FROM DECISION OF ADMINISTRATIVE OFFICIAL
APPLICATION FOR INTERPRETATION/VARIANCE**

Zoning Board of Appeals
Town of Colonie
Appeal and Petition for Interpretation/Variance
Under Building Construction/Zoning Law

To the Zoning Board of Appeals
Town of Colonie

Date: November 13, 2024

(being) (owner)

1. The undersigned, (representing) the (lessee) of (identify property by lot and block or otherwise) SBL # 32.8-4-2 & 32.8-4-1 located at 17 & 19 Canal Street hereby gives notice of appeal from the decision of the (Bldg. Dept. Manager) made on the 29th day of October, 2024 in refusing to issue a Building and Zoning Permit on the ground that the same would be in violation of the provisions of the Code of the Town of Colonie for the following reason(s):

The proposed merger of two lots to create a single 3,799± sq. ft. lot for the future construction of a single-family dwelling with a 6 ft. front yard setback and a 7 ft. rear yard setback is not compliant with the 18,000± sq. ft. minimum lot size, 40 ft. minimum front yard setback, and 25 ft. minimum rear yard setbacks required in a Single Family Residential (SFR) zoning district and is not compliant with the requirement to maintain continuous minimum lot width between the front lot line and front building setback line as stated in the Town of Colonie Land Use Law, Article VI, Section 190-24, 190-25, Attachment #2 – Dimensional Table.

2. Appellant alleges:

- a. That there are unusual circumstances and conditions affecting said property that are peculiar to said property and do not apply generally to other property in the vicinity, which circumstances and conditions are as follows:

X SEE ATTACHED

- b. That by reason of the aforesaid unusual and peculiar circumstances and conditions, there are (practical difficulties) (unnecessary hardships) in carrying out the strict letter of the aforesaid provisions of the Building Const./Zoning Law as follows:

3. Because of the aforesaid alleged facts, appellant petitions the Zoning Board of Appeals, in acting on this appeal, to vary or modify the strict application of the aforesaid provisions of the Building Const./Zoning Law to said property, to the following specific extent:

X SEE ATTACHED

Attached hereto is a plot plan of said property, showing _____

together with _____

4. Appellant further alleges that such variance would be in harmony with the spirit of the Building Const./Zoning Law and would not be detrimental to property or persons in the neighborhood and that the public safety and welfare would be secured and substantial justice done by the granting of such variance, for the following reason(s):

X SEE ATTACHED

5. FOR APPLICATION FOR INTERPRETATION ONLY. State grounds upon which appellant asserts that the order, requirement, decision, interpretation or determination of the Building Department Manager as stated in paragraph 1. above, is incorrect. (Attach additional pages if necessary) _____

MICHELE A. TURCOTTE
Notary Public, State of New York
Qualified in Albany County
Reg. No. 01TU6391051
Commission Expires April 29, 2027

STATE OF New York
COUNTY OF Albany SS:

Subscribed and sworn to before me this 20th day of November, 2024

Michele A. Turcotte

The undersigned, being duly sworn, deposes and says that he has read the foregoing document and knows the contents thereof and that the facts set forth therein are true to the best of his knowledge, information and belief

Signed RED DELUCA

Print Name RED DELUCA

Address P.O. Box 442

Newtownville NY 12128

Owner or lessee if other than above

Name _____

Mailing _____

Address _____

Zoning Board Variance Appeal for : 17 & 19 Canal St.

Appeal form attachment :

2 (a) Appellant alleges: There are unusual circumstances and conditions affecting said property that are peculiar to said property and do not apply generally to other property in the vicinity, which circumstances and conditions are as follows:

This property is unique based on it formally had a mobile home that recently was removed due to it being in disrepair which was only on lot 17 with 1,596 sq. ft.. Also, it was placed at least 10 feet into Canal St.

2 (b) That by reason of the aforesaid unusual and peculiar circumstances and conditions, there are practical difficulties , unnecessary hardships, in carrying out the strict letter of the aforesaid provisions of the Building Construction & Zoning Law as follows:

We are proposing to merge lots 17 & 19 together to double the size our lot for the construction of a new two car garage on the first floor and living space on the second floor. However, even though we are doubling the parcel size and increasing the setbacks we still are not able to meet the current zoning standards. This new merged lot size is no different than any parcel along Canal St.

3) Because of the aforesaid alleged facts, appellant petitions the Zoning Board of Appeals, in acting on this appeal. To vary or modify the strict application of the aforesaid provisions of the Building Construction & Zoning Law to said property, to the following specific extent:

To allow us to merge two properties together to increase the lot size and build a new building with only a garage on the first floor and a modest living space on the second floor. By merging the two lots together we will double our lot size and increase all previous setbacks of the former mobile home. Also, we now will be very similar to the neighboring properties.

4) Appellant further alleges that such variance would be in harmony with the spirit of the Building Construction & Zoning Law and would not be detrimental to property or persons in the neighborhood and that the public safety and welfare would be secured and substantial justice done by granting of such variance, for the following reasons:

By granting this variance our lot size and setbacks will be similar to others as well as building a code compliant structure which is much better than the previous mobile home. All of which will not have a negative impact in this neighborhood or to our rear neighboring property owner who is NYS 787.

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: 17 & 19 Canal St - proposed new one family dwelling			
Project Location (describe, and attach a location map): 17 & 19 Canal St. Watervliet NY			
Brief Description of Proposed Action: Build a new one family home			
Name of Applicant or Sponsor: Vision Planning Consultants LLC		Telephone: 518 857 4486	
		E-Mail: visionplanningconsultants@gmail.com	
Address: PO Box 442			
City/PO: Newtonville		State: NY	Zip Code: 12128
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO ☒
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Building Permit			YES ☒
3.a. Total acreage of the site of the proposed action?		3,799 Sq. Ft. acres	
b. Total acreage to be physically disturbed?		960 Sq. Ft. acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3,799 Sq.Ft. acres	
4. Check all land uses that occur on, adjoining and near the proposed action. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____ ☐ Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO ☒	YES ☐	N/A ☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☒	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☒	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO ☐	YES ☒	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO ☐	YES ☒	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO ☐	YES ☒	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO ☒	YES ☐	
b. Is the proposed action located in an archeological sensitive area?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO ☒	YES ☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☒	☐	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐	
16. Is the project site located in the 100 year flood plain?	NO ☒	YES ☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☒ NO ☐ YES	NO ☐	YES ☒	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☒ YES			
Town approved systems _____			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO	YES
	☒	☐
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>TED DEWY</u> Date: <u>10/14/24</u> Signature: <u>TED DEWY</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☐
3. Will the proposed action impair the character or quality of the existing community?	☐	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☐	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☐	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☐	☐
7. Will the proposed action impact existing:		
a. public / private water supplies?	☐	☐
b. public / private wastewater treatment utilities?	☐	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☐	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☐	☐

[illegible]

3799 45-2

THIS CONVEYANCE SUBJECT TO ALL MATTER CONTAINED HEREIN, IS CERTAIN TO THE FOLLOWING PARTIES AS BEING THE RESULT OF A FIELD SURVEY AND CORRELATION OF FIELD EVIDENCE WITH DEEDS AND MAPS OF RECORD.

ANALYSED IN SWEDISH TITLE
--
KASIMIR, SYDNEY

RECEIVED JULY 1954
 UNIVERSITY OF CALIFORNIA
 LIBRARY

SECRET

* A MAN CALLED "ATTE" AND NOT "ATTENTION" WAS
RENTING ROOMS TO MARSHALL OVERSEAS. MAN NOT
THE MAN WHO DID THE DEPARTMENT OF TRANSPORTATION
CAME FROM, I THINK.

2. A CARD REQUESTED FOR THE RECORDS SECTION, FAMILY BY MORTUARY INSURANCE & CONVEYANCE TO THE AIR AND FLEET IN THE ALABAMA COUNTY CLERK'S OFFICE AS MAY 1950. WAS IN TRANSIT 1950.

K. M. FLATLEY, LLC
1700 MARKET AVENUE, SUITE 100, AUSTIN, TX 78701
TEL: 512.451.1612

SURVEY MAP OF LANDS

TO BE CONVEYED TO

NICHOLAS TOMMASINI

SPR.	DATE	COUNTY	STATE
12-17 CANAL STREET	1900	ALABAMA	1900
DATE	REPAIRED OR	SPR.	
1 - 2nd	FEBRUARY 14, 2000	NEW BLANTLY	1900

406 Baker Ave
Cohoes N.Y. 12047

Points of interest regarding area variance for – 17 & 19 Canal St.

- These properties are located in a Single Family Residential zoning district. Formerly for decades there was a mobile home on lot 17 which was a very small parcel until recently the mobile home was removed. This mobile home was in disrepair and encroached into Canal St about 10 feet and was about 1 foot to the left side property line.
(see previous survey)
- Based on the mobile home removal and due to lot 17 was very small the owner wants to propose to merge lot 17 with lot 19 to build a new building. By merging the lots together the new lot size will increase from 1,596 sq. ft. to 3,799 sq. ft. which is larger than the lot next door. (see new site plan)
- The proposal is to build a two car garage on the first floor with a modest 960 sq. ft. of living space on the second floor. This proposal to merge the parcels for a new build will allow for a larger lot and much better setbacks. (see house plan)
- This street only has eight house placed on one side of the street. The other side faces Cohoes Rd which has heavy traffic. The rear yards on Canal St boarder NYS Rt. 787. So obviously there is a significant amount of traffic noises. This is the last parcel heading north and will no create a negative impact on a neighbor or the environment.
- Based on our proposal we feel we have already resolved a problem with an existing mobile home that needed to be removed which also encroached into Canal St. In addition we are merging two small lots together which are the only available parcels to build a new modest one family home with much better setbacks. We feel this variance request is minimal and is consistent with the neighboring properties.

1. EVIDENCE CONTAINING EVIDENCE OF THIS WAD WAS FROM A FIELD SURVEY PERFORMED ON THE 6, LEFT AND RIGHT LOT CONDITIONS EXISTING AT THAT TIME.
2. THE DOWNGRADES TO THIS PLAT FROM PROPERTY TENDENCY IS TO BE MADE IN ORDER TO MAINTAIN THE PRESENT USE AND LOCATION ONLY AND ARE NOT TO BE USED TO MODERNIZE THE BUILDINGS OR TO MAKE ANY OTHER IMPROVEMENTS OF FENCES, ADDITIONAL STRUCTURES, OR ANY OTHER IMPROVEMENT.
3. SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD
4. I WANT TITLE INSURANCE COMPANY CERTIFICATE FOR THE INSURANCE WA.
A SURVEY NEED TO PROVIDE RECENT INFORMATION REGARDING THE SUBJECT PARCEL.
5. IF - 70' X 100' PLOT FOUND, RT - 80' X 100' PLOT FOUND
6. (H) -- DOWNSIDE LOT NUMBER AS SHOWN ON MAP REF NO. 2
7. CANAL STREET ALSO KNOWN AS EAST CANAL STREET PER DEEDS AND MAPS OF REGION.
8. PROPOSED LOT LINES SHOULD HERETO ARE TO ALLENATE INDIVIDUALLY AS GIVEN ON CURRENT TAX MAP (SECTION 2-2, 3 & 12)

THIS CURVEY, SUBJECT TO ALL NOTED CONTAINED HEREON, IS CERTIFIED TO THE FOLLOWING PARTIES AS BEING THE RESULT OF A FIELD CURVEY AND CORRELATION OF FIELD EVIDENCE WITH DEEDS AND MAPS OF RECORD.

• NICHOLAS TOMMASINI •

CERTIFICATIONS INDICATED HEREIN SHOW THAT THE CURVEY WAS PREPARED IN ACCORDANCE WITH THE CURRENT CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC. SAID CERTIFICATIONS SHALL ONLY BE VALID IF THE PERSONS FOR WHOM THIS CURVEY WAS PREPARED OR THEIR LEGAL HEIR OR HIS SUCCESSOR, AND TO THE EXTENT OF ANY INTEREST THEREIN, ARE NOT INTENDING FOR THE PURPOSE OF THEIR MORTGAGE TO RECONSTRUCT THE CURVEY. THIS CURVEY WAS PREPARED WITHOUT THE CURVEY TRANSFERABLE TO ANOTHER PARTY OR TO ANY SUBSEQUENT OWNER, OTHER THAN LITTLE ASK.

-- STEWART TITLE INSURANCE COMPANY



02/08/98 - 5:14 PM - MOSKOW IN MICHIGAN

UNAPPROVED ALTERNATIVE OR ADDITION TO A SURVEY MAP CANNOT BE A USABLE LAND DIVISIONS SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2 OF THE NEW YORK STATE FOUNDATION LAW.

MAP REFERENCE:

1. A WAP UNLIMITED "INTERSTATE RTE. CONNECTION 540-1-102" VIOLATES PROHIBIT TO MAJORROAD INTERCHANGE, MAP NO. 750 AND NO. 623 AND DEPARTMENT OF TRANSPORTATION CATED FEB. 7, 1967.
2. A MAP PREPARED FOR THE VEHICLE, FAULTY BY HOFFMAN ENGINEERS & CONSULTING SM 7-2-67, AND PLACED IN THE ADJUDICATORY COUNTY CLERK'S OFFICE AS MAP NO. 642 IN CHAPTER 18.

22 18 THE NEW ZEALAND

PLANT, LLC
AVENUE, 501025, NY 12247

SURVEY MAP OF LANDS

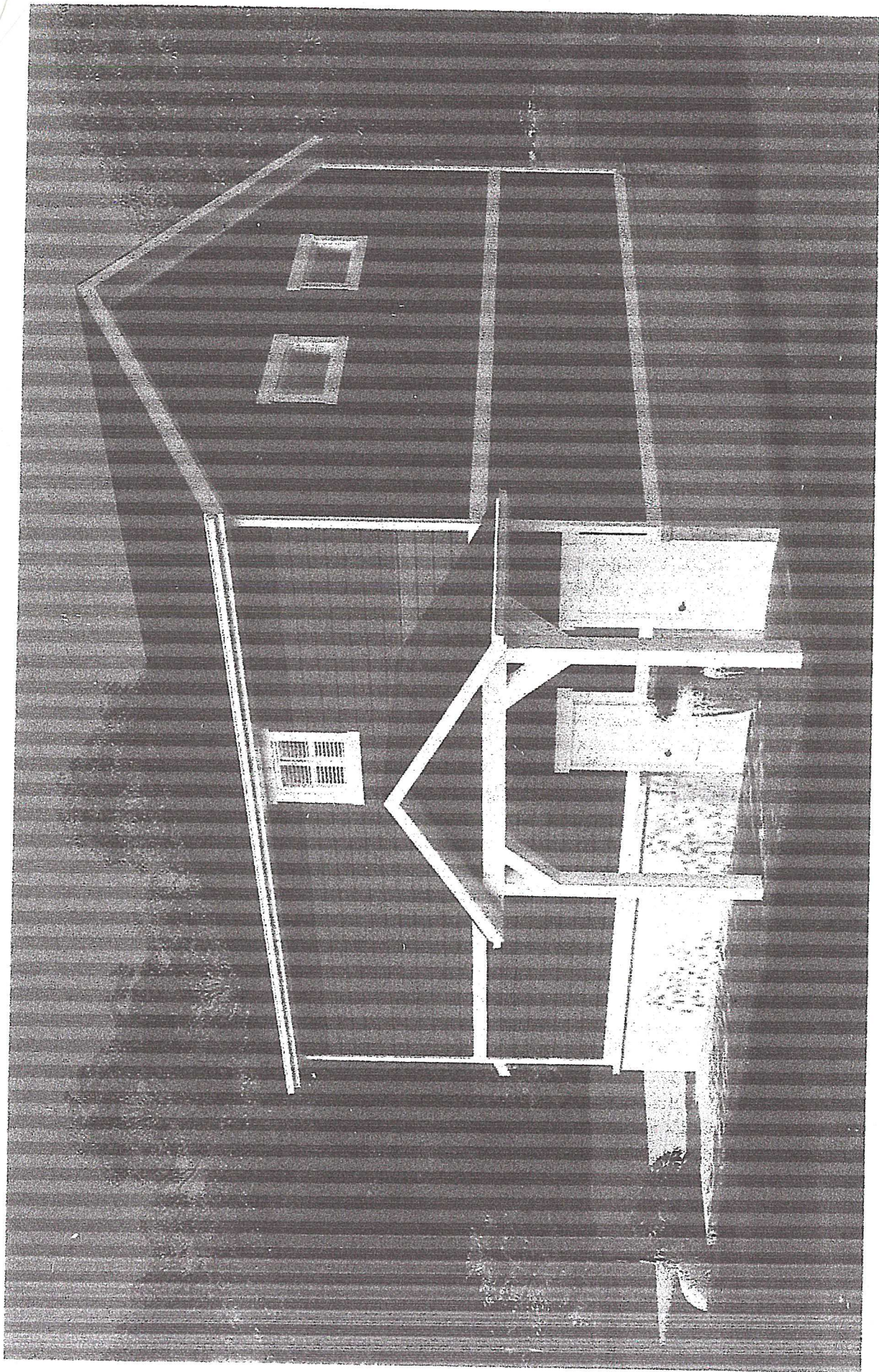
TO BE CONVEYED TO

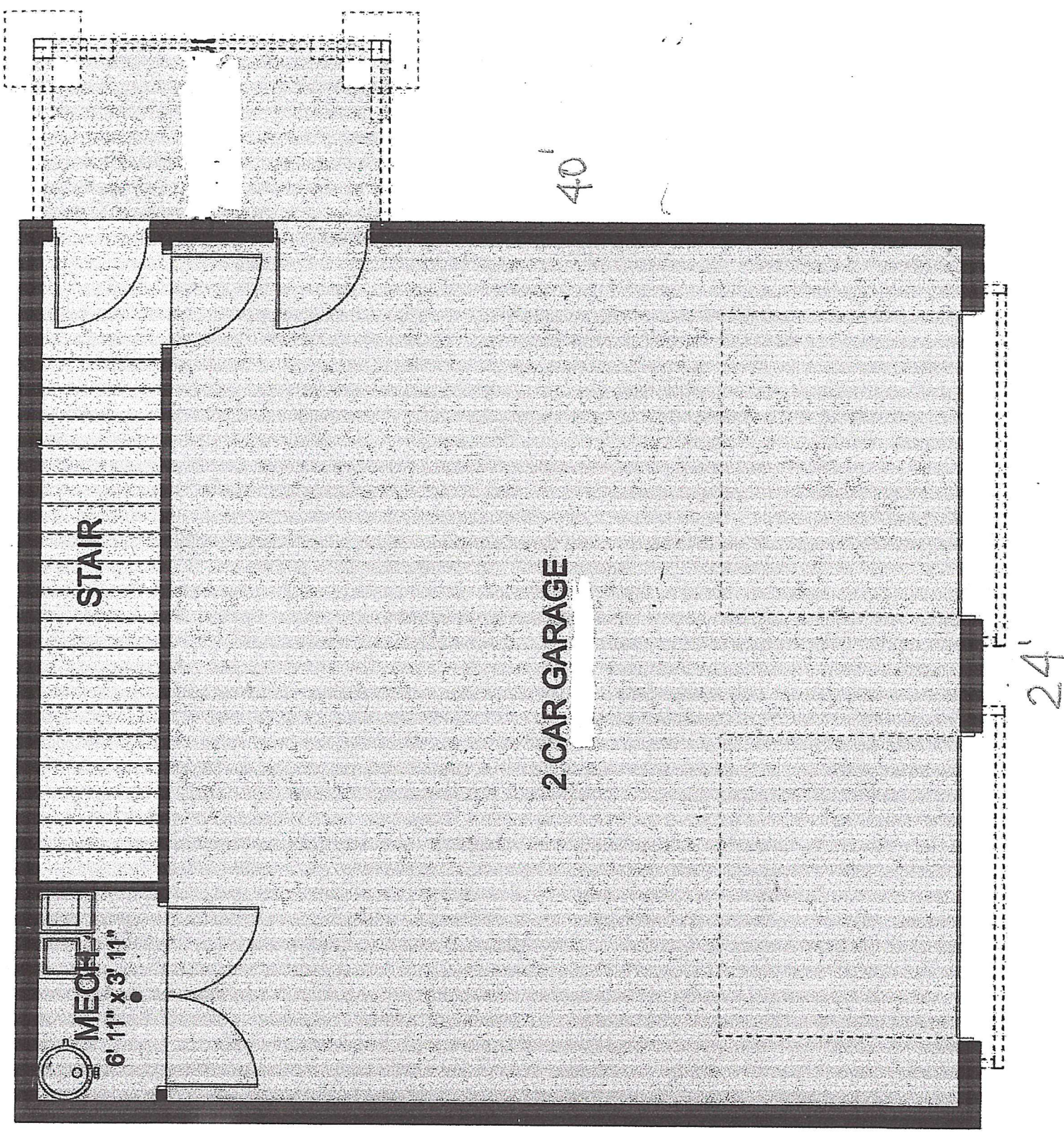
NICHOLAS TOMMASINI

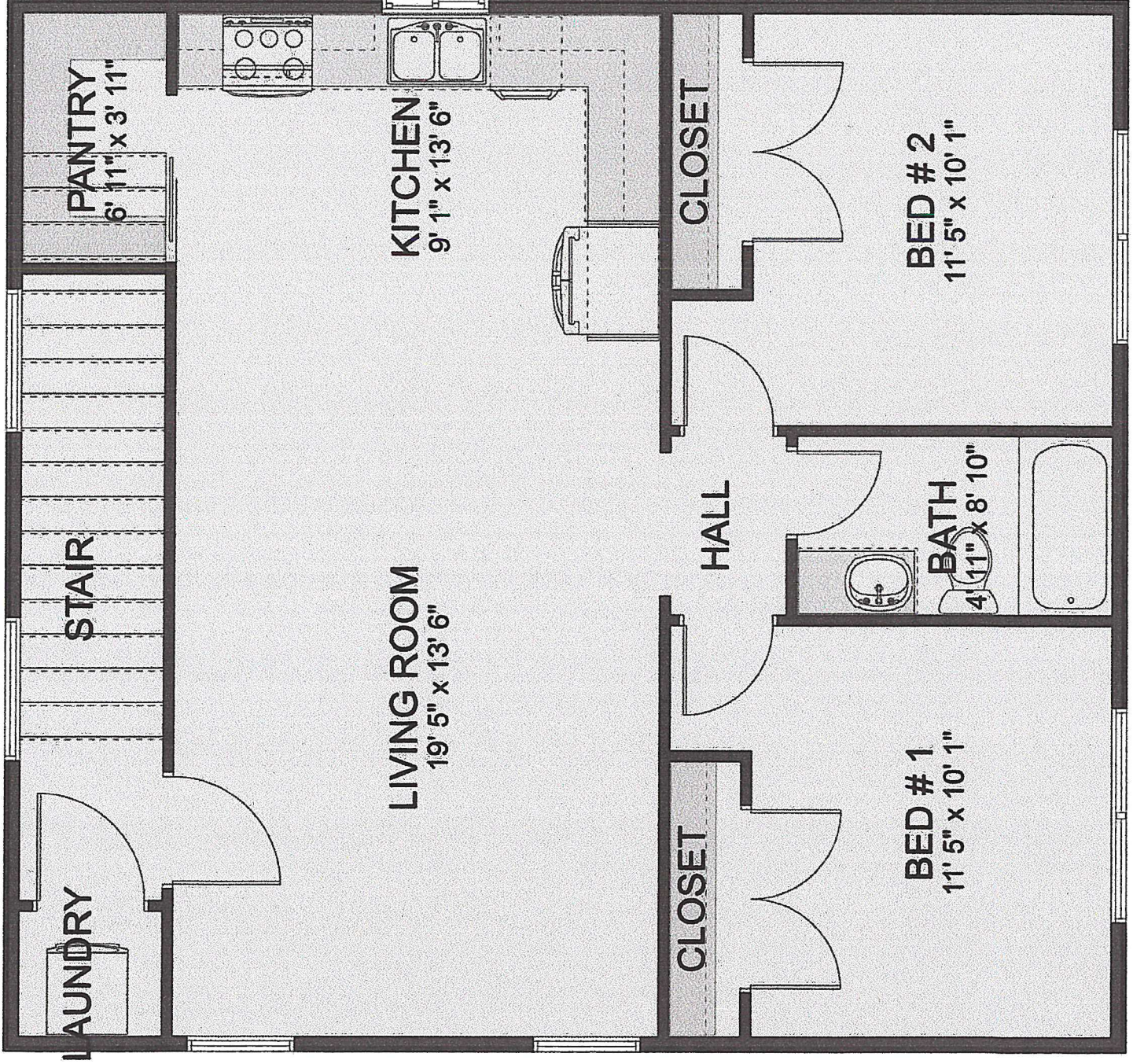
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406 BAKER AVE
COLENS N.Y. 12047









Area Variance Criteria for: 17 & 19 Canal St.

Addressing the detriment to the character of the neighborhood:

This was originally a former mobile home on lot 17 that was in disrepair and was approximately 10 feet into Canal St. Our proposal is to merge lots 17 & 19 together to build a new one family home with a garage on the first floor and living space on the second floor. So, by increasing the lot size and setbacks we have already removed the former mobile home encroachment in Canal St. By removing the previous mobile home actually was the detrimental condition affecting this property and the neighborhood.

Addressing the feasibility as to if we can achieve this approval through a different method:

Even though we propose to merge these two lots together to create a larger parcel and propose better setbacks we are not able to do any other different method to comply with the current zoning area or setback requirements. However, we now will have a lot size and setbacks very similar to our neighbors.

Addressing whether this is a substantial variance:

By merging the two lots together and the placement of the new building with much better setbacks we feel this is not a substantial request and we are more in common with our neighboring properties.

Addressing the adverse effect on the physical and environmental impact:

Based on the small number of homes on Canal St which are only on our side of the street and with NYS route 787 as our rear neighbor we feel this request to create a larger lot with a new home is not causing a negative adverse physical or environmental impact.

Are the alleged difficulties self-created and relevant to preclude the granting of the area variance.

By merging two lots together to create a larger parcel for a new home which replaced a former mobile home that encroached into Canal St. maybe considered a self-created variance request however, this certainly resolved an encroachment issue and our proposal will provide a safer code compliant structure and allow for much better site conditions.