



# 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 February 19, 2025

Chairman Peter R. Crouse called the meeting of the Town of Colonie Zoning Board of Appeals to order on **February 20, 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 | George Vogt IV |
|          | Member   | P.J. Blanchfield     |         |        |                |
|          | Member   | James Campbell       |         |        |                |
|          | Member   | Steven Girvin        |         |        |                |
|          | Member   | Christopher Rueckert |         |        |                |
|          | Member   | Frederick Weinraub   |         |        |                |
|          | Counsel  | David Brickner, Esq. |         |        |                |

The meeting minutes of **February 2, 2025**, were reviewed. Member Campbell 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 **Carolyn Oleyourryk** for the premises located at **122 Haswell Road**. Peter Guerin (of Guerin Generator Services) made a presentation to the Board. Member Rueckert made a motion to approve the variance as presented. Member Blanchfield seconded the motion. Upon calling the vote, the motion to approve the variance as presented passed unanimously.

A public hearing was held on the application of **Peter Semon** for the premises located at **5 Floral Court**. Peter Semon made a presentation to the Board. Member Campbell made a motion to approve the variance as presented. Member Rueckert seconded the motion. Upon calling the vote, the motion to approve the variance as presented passed unanimously.

There being no more business, Member Campbell made a motion to close the meeting at 7:16 p.m. Member Rueckert seconded the motion and, upon roll call, the motion to close passed unanimously.

Approved: \_\_\_\_\_  
Chairman Peter R. Crouse

Date: \_\_\_\_\_



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](http://www.colonie.org/departments/building)  
<http://www.colonie.org/boards/zba>

Chretien T. Voerg, P.E.  
Director

Date: February 20, 2025  
To: Members of the Zoning Board of Appeals  
From: Chretien T. Voerg, P.E., Director  
Subject: **Zoning Board of Appeals Agenda – March 5, 2025**

## **New Hearings:**

25-004 465 Albany Shaker Road – Osborne Ventures, LLC  
25-005 435 New Karner Road – Whitman Holdings, LLC



# TOWN OF COLONIE

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Peter G. Crummey  
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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 March 2025, at 7:00 p.m.** to hear the appeal of **Osborne Ventures, 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 **465 Albany Shaker Road**. The proposed construction of a 6,730 square-foot minimart with a fuel canopy and eight multi-pump dispensers requires a Special Use Permit (SUP) prior to construction within the Neighborhood Commercial Office Residential (NCOR) zoning district as stated in the Town of Colonie Land Use Law Article VI, Section 190, Attachment #1 – Table of Permitted Uses. 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://colonienny.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](mailto: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** February 20, 2025



Peter G. Crummey  
Town Supervisor

## Commercial Zoning Verification

Town of Colonie Building and Fire Services Department  
Public Operations Center, 347 Old Niskayuna Road  
Latham, New York 12110

Phone (518) 783-2706  
www.colonie.org/departments/building



**THIS APPLICATION IS FOR ZONING VERIFICATION FOR ANY COMMERCIAL PROJECT  
FEES ARE DUE AT THE TIME OF APPLICATION  
THIS FORM WILL BE ON FILE FOR 1 YEAR**

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 Laws. The Officer's determination is based solely upon the information submitted on/with this form and such determination is subject to review and change if the project is modified or further information becomes available at a subsequent date. The officer reserves the right to request further information as deemed necessary. A disapproval of the application by the zoning officer means the project, as designed, cannot proceed for the reasons 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. A new Application for Zoning Verification may need to be submitted if the applicable zoning laws change before the proposed action is completed.

NOTE: IF OWNER IS NOT THE SIGNEE, THE SIGNEE SWEARS THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER AND THAT THE SIGNEE IS AUTHORIZED TO MAKE SUCH APPLICATION.

**1. GENERAL INFORMATION:**

CASE #Z 202401138

Address of site of proposed action:

465 Albany-Shaker Road Albany NY 12211  
Number Street City State Zip

Name of applicant Osborne Ventures, LLC

Address 509 State Route 67 Malta NY 12020  
Number Street City State Zip

Applicant's phone (W) \_\_\_\_\_ (Cell) 518 281 7226

Email Address tomburke@theburkecompanies.com

Contact person Nicholas Costa

Email Address ncostape@gmail.com

Phone number (W) \_\_\_\_\_ (Cell) 518 698 3772

Property owner(s) Osborne Ventures, LLC

Address 509 State Route 67 Malta NY 12020  
Number Street City State Zip

Approved Pending  
Special Use Permit Granted by ZBA

NOV 08 2024

Town of Colonie Building Dept.

**2. Describe the present use of the building and property. (If vacant, so note and list last prior use & tenant).**

Vacant; site was recently remediated; former use was gas station, retail & dry cleaners

**3. APPLICANT'S PROPOSED ACTION:**

**A. Is the proposed action a:**

- ☒ New building ☐ Addition ☐ Renovation ☐ Accessory Structure ☐ Other  
☐ New tenant (business name) \_\_\_\_\_ ☐ (Including Alterations)  
☐ Change of use (new use) \_\_\_\_\_  
☐ Temporary tent (Date tent will be erected) \_\_\_\_\_ (Date tent will be removed) \_\_\_\_\_  
☐ Site change or other (describe below) \_\_\_\_\_

**B. Proposed use (check where applicable):**

- |                                 |                                                    |                                                        |                                               |                                         |
|---------------------------------|----------------------------------------------------|--------------------------------------------------------|-----------------------------------------------|-----------------------------------------|
| <input type="checkbox"/> Office | <input type="checkbox"/> Warehouse / Storage       | <input type="checkbox"/> Motor Vehicle Repair Shop     | <input type="checkbox"/> Supermarket          | <input type="checkbox"/> Massage        |
| <input type="checkbox"/> Bank   | <input type="checkbox"/> Fast Food Establishment   | <input type="checkbox"/> Motor Vehicle Service Station | <input type="checkbox"/> Wholesale            | <input type="checkbox"/> Messieur       |
| <input type="checkbox"/> Retail | <input type="checkbox"/> Restaurant / Bar          | <input type="checkbox"/> Motor Vehicle Sales           | <input type="checkbox"/> Industrial           | <input type="checkbox"/> Police Handout |
| <input type="checkbox"/> Bakery | <input type="checkbox"/> Convenience Food Store    | <input checked="" type="checkbox"/> Mini Mart          | <input type="checkbox"/> Day Care Child/Adult |                                         |
| <input type="checkbox"/> Hotel  | <input type="checkbox"/> Personal Service Business | <input type="checkbox"/> Multifamily Dwelling          | <input type="checkbox"/> Nightclub            |                                         |
| <input type="checkbox"/> School | <input type="checkbox"/> Wireless Telecom Facility | <input type="checkbox"/> Place of Worship              | <input type="checkbox"/> Other                |                                         |

**C. DESCRIBED THE PROPOSED USE IN DETAIL IN A COMPLETE DESCRIPTIVE NARRATIVE.**

Applicant is proposing to construct a new one-story Mini Mart Building with an approximate area of 6,730 Square Feet with a Canopy and eight (8) Multi-Pump Dispensers. Access drives and parking areas will also be developed.

OVER

NCOR- Neighborhood Commercial Office Residential  
4. Parcel is located in a \_\_\_\_\_ zoning district (refer to Town of Colonie Zoning Map)

5. SITE INFORMATION: IF THE APPLICANT PROPOSES ONLY A TENANT CHANGE, THIS SECTION MAY NOT BE REQUIRED TO BE COMPLETED. HOWEVER, THIS SECTION **MUST** BE COMPLETED AND **TWO (2) COPIES OF THE PROPOSED SITE PLAN** MUST BE SUBMITTED FOR ANY PROPOSAL WHICH INCLUDES A CHANGE OF USE, TEMPORARY TENT, ADDITION, ACCESSORY STRUCTURE OR NEW BUILDING.

A. TEMPORARY TENT: Plan may be hand drawn by the applicant and must depict the existing structure(s), if any, the proposed structure/tent, the lot layout, and all new and existing building setbacks.

B. MAJOR/MINOR OR NONCONFORMING COMMERCIAL SITE OR USE: Plan must be drawn by a licensed N.Y.S. engineer, architect, surveyor or landscape architect and have upon it; the address of the property, all encumbrances, area of the parcel, abutting public highways, frontage of the lot on public highway, all building setback dimensions, the proposed structure, parking, building heights, and all zoning districts within 300 feet of the site. In OR, COR, HCOR and NCOR zoning districts, the site plan must show existing buildings and front yard setback dimensions for abutting properties on each side.

NOTE: MAJOR/MINOR/NONCONFORMING USE Site Development Proposals are defined in the Town of Colonie Land Use Law Section 190-11(A)(B).

C. Area of Property: 1.58+/- acres and 69,085+/- square feet Lot Size width 264+/- depth 234+/-  
Length of property on a developed street 376+/- feet  
Is this a corner lot? Yes X No \_\_\_\_\_ Frontage on each street 243+/- ft. 223+/- ft.  
Is this a through lot? Yes \_\_\_\_\_ No X Frontage on each street \_\_\_\_\_ ft. \_\_\_\_\_ ft.

| Building setbacks: |          | Existing | Proposed       | Existing |                 | Proposed |     |                |     |
|--------------------|----------|----------|----------------|----------|-----------------|----------|-----|----------------|-----|
| Front yard         | <u>0</u> | ft.      | <u>41+/-</u>   | ft.      | Right side yard | <u>0</u> | ft. | <u>42.3+/-</u> | ft. |
| Rear/Front yard    | <u>0</u> | ft.      | <u>70.4+/-</u> | ft.      | Left side yard  | <u>0</u> | ft. | <u>54.3+/-</u> | ft. |

Existing Building Height (at peak) \_\_\_\_\_ ft. \_\_\_\_\_ stories New Building Size: Length 93+/- ft. Width 76+/- ft.  
Proposed Building Height (at peak) \_\_\_\_\_ ft. \_\_\_\_\_ stories Density Sq. Ft. per acre 179+/- Units per acre \_\_\_\_\_  
one (1)

Gross floor area: existing 0 sq. ft. proposed 6,730+/- sq. ft. total 6,730+/- sq. ft.

6. SIGNATURE OF APPLICANT  
PRINTED OR TYPED APPLICANT NAME N. HANS GARDNER, Agent for Applicant DATE 10.22.24

If DISAPPROVED "Such appeal shall be taken within sixty days after the filing in the town clerk's office of any order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of such ordinance or local law, from which the appeal is taken".

XXXXXXXXXXXXXXXXXXXXXXXXXXXX FOR OFFICIAL USE ONLY XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

I, Chris Mastroianni zoning officer of the Town of Colonie do hereby find that the proposed action as described above and any attachments hereto,

IS IN ACCORDANCE Chris Mastroianni APPROVED DATE 11/8/24  
SIGNATURE OF ZONING OFFICER

IS NOT IN ACCORDANCE \_\_\_\_\_ DISAPPROVED DATE \_\_\_\_\_  
SIGNATURE OF ZONING OFFICER

with Chapter 190 of the Colonie Land Use Law that is effective as of this date.

The proposed construction of a 6,730 sq. ft. minimart with a fuel canopy and eight multi pump dispensers requires a Special Use Permit (SUP) prior to construction within the Neighborhood Commercial Office Residential (NCOR) zoning district as stated in the Town of Colonie Land Use Law Article VI, Section 190, Attachment #1 - Table of Permitted Uses.

Approved Pending  
Special Use Permit Granted by ZBA

NOV 03 2024

Town of Colonie Building Dept.

TO THE APPLICANT: THIS IS NOT A BUILDING AND ZONING PERMIT. IF YOU WISH TO PROCEED, PLEASE SUBMIT AN APPLICATION FOR THE FOLLOWING:

- ☒ BUILDING AND ZONING PERMIT APPLICATION (Building Department)  
☐ APPLICATION FOR ZONING VARIANCE OR INTERPRETATION (Building Department)  
☐ APPLICATION FOR PLANNING DEPT. APPROVAL (Planning and Economic Development)  
☒ SPECIAL USE PERMIT USE \_\_\_\_\_

Variance/SUP granted on property \_\_\_\_\_ Yes ☐ No ☐

Variance # \_\_\_\_\_

Is existing use nonconforming Yes ☐ No ☒

Parcel in/near a wetland

Yes ☐ No ☒

Parcel in/near a flood plain

Yes ☐ No ☒

Watercourse on/near the property

Yes ☐ No ☒

YES NO VIOLATION - CHAPTER 190-118 (BUILDING PERMITS REQUIRED)

CONSTRUCTION STARTED WITHOUT OBTAINING BUILDING AND ZONING PERMIT

☐ ☒

Major Zoning Verification \$215 ☒ Fee Paid 10/23/24 015/12822

Minor Zoning Verification \$115 ☐ Fee Paid \_\_\_\_\_

Other Zoning Verification \$ 65 ☐ Fee Paid \_\_\_\_\_

All fees are non-refundable

**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: December 17, 2024

(being) (owner)  
1. The undersigned, ~~(XXXXXX)~~ the ~~(XXXXXX)~~ of (identify property by lot and block or otherwise) SBL # 43.3-1-9 located at hereby gives notice of appeal from the decision of the (Bldg. Dept. Manager) made on the 8th day of November, 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 construction of a 6,730 sq. ft. minimart with a fuel canopy and eight multi pump dispensers requires a Special Use Permit (SUP) prior to construction within the Neighborhood Commercial Office Residential (NCOR) zoning district as stated in the Town of Colonie Land Use Law Article VI, Section 190, Attachment #1 - Table of Permitted Uses.

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:

See attached responses

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:

See attached responses

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:

See attached responses

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): \_\_\_\_\_

See attached responses

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) \_\_\_\_\_

CHRISTY ROBERTS  
Notary Public, State of New York  
Qualified in Schoharie County  
Reg. # 01606215640  
Commission Expires January 4, 2026

STATE OF New York  
COUNTY OF Albany SS:

Subscribed and sworn to before me this 14th  
day of January 2025

Christy Roberts

12/10/14

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 Jared George  
Print Name Jared George - Osborne Ventures, LLC  
Address 509 State Route 67  
Malta, NY 12020

Owner or lessee if other than above

Name \_\_\_\_\_  
Mailing \_\_\_\_\_  
Address \_\_\_\_\_

## 465 Albany-Shaker Road Special Use Permit Responses

The Applicant is requesting a Special Use Permit (SUP) for a new Mini Mart & Fueling Canopy at 465 Albany-Shaker Road in the Town of Colonie. The following criteria apply to this request, and in support of the application, the Applicant provides the following information:

- (a) That the use conforms with the specific special use permit standards found in § 190-22M, if applicable.

*The building's façade is oriented towards the main public street, with landscaping along the frontages and parking areas, enhancing the overall aesthetic. The façade features an attractive combination of classic black spandrel glass and natural red brick, which complements neighboring structures. Additionally, windows will face the public streets, and rooftop equipment will be screened from view by parapets and walls. The design adheres to setback and lighting codes, and includes existing sidewalks. Outdoor tables and chairs will be provided for public socializing.*

- (b) That the use is consistent with the Town's current planning documents, including the Comprehensive Plan.

*The Comprehensive Plan encourages utilizing the Town's existing infrastructure and redeveloping previously disturbed properties and brownfield sites, which applies to this case. This property has been neglected for years, and revitalizing such high-profile, underutilized sites is a key goal. The property's historical uses date back to at least 1952, including an automotive repair shop, gasoline service station, Hygrade Farms store, office space, and a retail strip plaza housing hair and nail salons and a dry cleaner. Pedestrian accommodations will be improved by consolidating five existing curb cuts into two. This project not only aligns with several Town objectives but also integrates with the character and compatibility of the neighborhood.*

- (c) That the use is consistent with the neighborhood and zoning district in which it is located and will not alter the essential character of the neighborhood.

*The proposed use aligns with the neighborhood and zoning, as a Stewart's Mini Mart & Fueling Canopy store is located on the opposite*

*corner. Additionally, several recent special use permits for Mini-Marts with Fueling Canopies have been approved within this same NCOR zone, including Cumberland Farms at 1157 Central Avenue, Stewart's at 1273 Central Avenue, and 1024 Watervliet Shaker Road. The neighborhood hosts a variety of uses, including quick-service food, drive-thru establishments, sit-down dining, gasoline sales, offices, medical services, banking, groceries, beer/liquor sales, Post Office, EMS, hair and nail salon, pharmacy, fitness centers, and car washes. The proposed development will offer a convenient and accessible service. A recent traffic analysis confirms that there is adequate capacity to accommodate the proposed development.*

To make this determination, the following further findings may be made:

[1] That the use will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat and hydrology and, if appropriate, its ability, if desirable, to be buffered or screened from neighboring properties and public roads.

*The proposed project complies with the Town of Colonie's land use dimensional requirements within the NCOR - Neighborhood Commercial Office Residential District.*

[2] That the use will be compatible with adjoining properties and with the natural and man-made environment.

*As noted in section (c) above, the proposed use is in harmony with the neighborhood's varied uses and is already present on an adjacent property (Stewart's). The proposed design complements neighboring properties and will not have any negative impact.*

[3] That the use will not adversely affect surrounding land uses by creating excessive noise, dust, odors, glare, pollution or other nuisances.

*The proposed use will not negatively impact nearby land uses or result in excessive noise, dust, odors, glare, pollution, or other disturbances.*

[4] That the use will not cause undue traffic congestion, unduly impair pedestrian safety or overload existing roads, considering their current width, surfacing and condition.

*The neighborhood consists of a mix of uses, and the proposed development of the mini-mart with fueling canopy will not generate significant additional traffic or place a heavy demand on municipal services, as most trips to the site will come from existing traffic on nearby roadways (pass-by trips). Currently, there are five curb cuts, which will be consolidated into two, and sidewalks will be preserved. The proposed design complements and aligns with the character of neighboring properties, ensuring it will not be detrimental to the area.*

[5] That the use will have appropriate parking and be accessible to fire, police and other emergency vehicles.

*The project has been designed to include sufficient parking, and the site layout ensures adequate access for fire, police, and other emergency vehicles.*

[6] That the use will not overload any public water, drainage or sewer system or any other municipal facility or service, including schools.

*The project requires minimal water and sewer usage, adheres to drainage requirements as per code, and will not impact the school system. It is expected to increase tax revenues for the Town beyond the current level.*

[7] That the use will not degrade any natural resource, ecosystem or historic resource.

*As confirmed by the Project Environmental Assessment Form, the project will not negatively impact any natural resources, ecosystems, or historic sites.*

**Because of the aforesaid information facts, appellant petitions the Zoning Board of Appeals, in acting on this application, to :**

*Approve the requested Special Use Permit (SUP) that will allow the construction of the proposed Mini-mart with Fueling Canopy.*

**Attached to hereto is a plot plan of said property, showing**

*The proposed development of the parcel will include a mini-mart with a fueling canopy, along with access and circulation roadways, parking areas, and utility connections to the existing municipal infrastructure.*

**Applicant further alleges that such Special permit 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 public safety and welfare would be secured and substantial justice done by the granting of such Special permit, for the following reason(s):**

*Granting the special use permit will enable the revitalization of this previously developed brownfield, now neglected site, enhancing the tax base, generating jobs, and providing services to the community. Situated in a primarily commercial area and surrounded by similar uses, the project will not negatively impact the neighborhood.*

*The request is modest and aligns with the character of the area, ensuring no adverse physical or environmental effects. The proposed use is in harmony with the surrounding commercial zone. Additionally, the project will not overload utilities or create drainage problems. Importantly, the New York State Historic Preservation Office issued a "No-Effect" letter on January 6, 2025.*



# TOWN OF COLONIE ZONING BOARD OF APPEALS

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

CASE#

Peter G. Crummey  
Town Supervisor

Phone (518) 783-2706 Fax (518) 783-2772  
www.colonie.org/departments/building

Peter R. Crouse  
Chairman

## APPLICATION FOR SPECIAL USE PERMIT

An approved "Application for Zoning Verification" and all attachments thereto, including any approved plan, must be submitted with this form. Also attach all required materials and justification pursuant to the Colonie Town Code §189 and §190-57 and related provisions and a SEQR EAF form.

ADDRESS OF SITE: 465 Albany-Shaker Road

Number

Street

QuickChek

Name Of Business/Tenant

Osborne Ventures, LLC

APPLICANT'S NAME\*

1-14-2025

Date

APPLICANT'S SIGNATURE\*

Jared George

PRINT OR TYPE NAME SIGNED

\*Applicant must be either the owner of the property to be developed or used, or be a party with a purchase agreement for the property. A copy of the purchase agreement must be attached.

Address 509 State Route 67

Number

Street

Malta

NY

12020

City

State

Zip

Phone No. 518 858 2637

Fax #:

Email: jgeorge@tricapitalrealty.com

CONTACT PERSON: Jared George

Address 509 State Route 67

Number

Street

Malta

NY

12020

City

State

Zip

Phone No. 518 858 2637

Fax #:

Email: jgeorge@tricapitalrealty.com

NAME OF PRESENT PROPERTY OWNER: Osborne Ventures, LLC

Address 509 State Route 67

Number

Street

Malta

NY

12020

City

State

Zip

DESIGN PROFESSIONAL (NYS Licensed) Advance Engineering & Surveying, PLLC

Check One Engineer X

Surveyor X

Architect

Landscape Architect

Address 11 Herbert Drive

Number

Street

Latham

NY

12110

City

State

Zip

Phone No. 518 698 3772

Fax #:

Email: ncostape@gmail.com

DESCRIBE PRESENT USE OF THE BUILDING AND PROPERTY (IF VACANT, SO NOTE AND LIST LAST USE):  
Currently Vacant

If change of tenant: Name of previous tenant/business:

DESCRIBE PROPOSED USE IN DETAIL IN A COMPLETE DESCRIPTIVE NARRATIVE:

Applicant is proposing to construct a new one-story Mini Mart Building with an approxiamte area of 6,730 square feet with a Fueling Canopy and eight (8) Multi-Pump Dispensers. Access drives and parking areas will also be developed.

Parcel is located in a NCOR- Neighborhood Commercial Office Residential zoning district (refer to Town of Colonie zoning map).

Area of Property: 1.59+/- acres and 69,085+/- square feet Lot Size width 114+/- depth 235+/-

Length of property on a developed street 496+/- ft.

Is this a corner lot? Yes X No

No

Frontage on each street 243+/- ft. 253+/- ft.

Is this a Through lot? Yes No X

No

Frontage on each street

Building setbacks:

Existing

Proposed

Front yard

N.A.

ft.

145+/-

ft.

Right side yard

Existing

N.A.

ft.

42+/-

ft.

Rear/Left side yard

N.A.

ft.

95+/-

ft.

Left side yard

Existing

N.A.

ft.

80+/-

ft.

Existing Building Height (at peak)

N.A.

ft.

stories N.A.

Proposed Building Height (at peak)

32+/-

ft.

stories one (1)

New Building Size: Length

76.5+/-

ft.

Width 92.83+/- ft.

Gross floor area: existing sq. ft. 6,730+/- proposed sq. ft. total 6,730+/- sq. ft.

Access to Town Highway? Yes X No County Highway? Yes X No State Highway? Yes No X

Fee Amount: Date Paid: Receipt #:

APPROVED

CONDITIONALLY APPROVED

DENIED

☐ Per Zoning Board of Appeals Decision on

Signature of Building Department Official: Date:

OFFICIAL USE ONLY

Approval Shall be Valid Until

# Short Environmental Assessment Form

## Part 1 - Project Information

### 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.

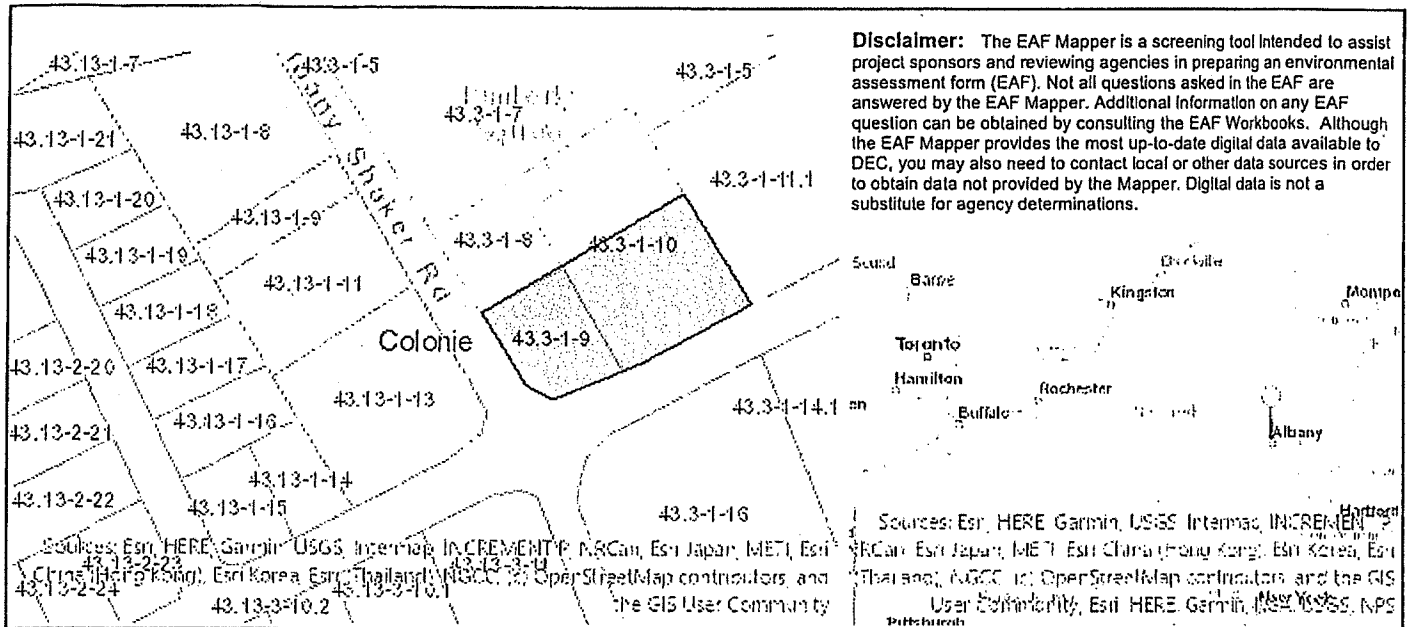
|                                                                                                                                                                                                                                                                                                                                                                                                                         |  |                                                                 |                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------|------------------------------------------------------------------------------|
| <b>Part 1 – Project and Sponsor Information</b>                                                                                                                                                                                                                                                                                                                                                                         |  |                                                                 |                                                                              |
| Name of Action or Project:<br>Proposed Mini Mart & Fueling Canopy                                                                                                                                                                                                                                                                                                                                                       |  |                                                                 |                                                                              |
| Project Location (describe, and attach a location map):<br>465 Albany-Shaker Road                                                                                                                                                                                                                                                                                                                                       |  |                                                                 |                                                                              |
| Brief Description of Proposed Action:<br>Applicant is proposing the redevelopment of the existing parcel with a one-story Mini Mart with an approximate area of 6,730 square feet and a Fueling Canopy with 16 fueling dispensers. Access and circulation drives and parking for the customers will also be developed along with connection to the existing municipal infrastructure.                                   |  |                                                                 |                                                                              |
| Name of Applicant or Sponsor:<br>Osborne Ventures, LLC                                                                                                                                                                                                                                                                                                                                                                  |  | Telephone: 518 858 2837<br>E-Mail: jgeorge@tricapitalrealty.com |                                                                              |
| Address:<br>509 State Route 67                                                                                                                                                                                                                                                                                                                                                                                          |  |                                                                 |                                                                              |
| City/PO:<br>Malta                                                                                                                                                                                                                                                                                                                                                                                                       |  | State:<br>NY                                                    | Zip Code:<br>12020                                                           |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>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<br><input type="checkbox"/><br>YES<br><input checked="" type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency?<br>If Yes, list agency(s) name and permit or approval: Town of Colonie Zoning Board of Appeals - Special Use Permit                                                                                                                                                                                                 |  |                                                                 | NO<br><input type="checkbox"/><br>YES<br><input checked="" type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action?                                                                                                                                                                                                                                                                                                                                                                 |  | 1.59+/- acres                                                   |                                                                              |
| b. Total acreage to be physically disturbed?                                                                                                                                                                                                                                                                                                                                                                            |  | 0 acres                                                         |                                                                              |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?                                                                                                                                                                                                                                                                                                  |  | 1.59+/- acres                                                   |                                                                              |
| 4. Check all land uses that occur on, are adjoining or near the proposed action:                                                                                                                                                                                                                                                                                                                                        |  |                                                                 |                                                                              |
| 5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)<br><input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):<br><input type="checkbox"/> Parkland |  |                                                                 |                                                                              |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                               |                                                                                                                           |                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| 5. Is the proposed action,<br>a. A permitted use under the zoning regulations?<br>b. Consistent with the adopted comprehensive plan?                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | NO<br><br><input type="checkbox"/><br><br><input type="checkbox"/>                                            | YES<br><br><input checked="" type="checkbox"/><br><br><input checked="" type="checkbox"/>                                 | N/A<br><br><input type="checkbox"/><br><br><input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | NO<br><br><input type="checkbox"/>                                                                            | YES<br><br><input checked="" type="checkbox"/>                                                                            |                                                                     |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?<br>If Yes, identify: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | NO<br><br><input checked="" type="checkbox"/>                                                                 | YES<br><br><input type="checkbox"/>                                                                                       |                                                                     |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?<br>b. Are public transportation services available at or near the site of the proposed action?<br>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?                                                                                                                                                                                                                                                                                             | NO<br><br><input checked="" type="checkbox"/><br><br><input type="checkbox"/><br><br><input type="checkbox"/> | YES<br><br><input type="checkbox"/><br><br><input checked="" type="checkbox"/><br><br><input checked="" type="checkbox"/> |                                                                     |
| 9. Does the proposed action meet or exceed the state energy code requirements?<br>If the proposed action will exceed requirements, describe design features and technologies:<br>_____<br>_____                                                                                                                                                                                                                                                                                                                                                                                                             | NO<br><br><input type="checkbox"/>                                                                            | YES<br><br><input checked="" type="checkbox"/>                                                                            |                                                                     |
| 10. Will the proposed action connect to an existing public/private water supply?<br>If No, describe method for providing potable water: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                               | NO<br><br><input type="checkbox"/>                                                                            | YES<br><br><input checked="" type="checkbox"/>                                                                            |                                                                     |
| 11. Will the proposed action connect to existing wastewater utilities?<br>If No, describe method for providing wastewater treatment: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | NO<br><br><input type="checkbox"/>                                                                            | YES<br><br><input checked="" type="checkbox"/>                                                                            |                                                                     |
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?<br>b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? | NO<br><br><input checked="" type="checkbox"/><br><br><input type="checkbox"/>                                 | YES<br><br><input type="checkbox"/><br><br><input checked="" type="checkbox"/>                                            |                                                                     |
| 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?<br>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?<br>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____<br>_____<br>_____                                                                                                                                                                                     | NO<br><br><input checked="" type="checkbox"/><br><br><input checked="" type="checkbox"/>                      | YES<br><br><input type="checkbox"/><br><br><input type="checkbox"/>                                                       |                                                                     |

|                                                                                                                                                                                                                                                                                                                                                                                                                   |                                     |                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:<br><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> 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                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 16. Is the project site located in the 100-year flood plan?                                                                                                                                                                                                                                                                                                                                                       | NO                                  | YES                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?<br>If Yes,                                                                                                                                                                                                                                                                                                     | NO                                  | YES                                 |
| a. Will storm water discharges flow to adjacent properties?                                                                                                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br>If Yes, briefly describe:                                                                                                                                                                                                                                                                              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Stormwater runoff from the project will be managed on-site in accordance with the NYSDEC and the Town of Colonie Stormwater Regulations.                                                                                                                                                                                                                                                                          |                                     |                                     |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?<br>If Yes, explain the purpose and size of the impoundment:                                                                                                                                                                       | NO                                  | YES                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br>If Yes, describe:                                                                                                                                                                                                                                                   | NO                                  | YES                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br>If Yes, describe:                                                                                                                                                                                                                                                 | NO                                  | YES                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Site was contaminated with chemicals that emitted from a dry cleaner that operated at the site. The site has been cleaned up by the NYSDEC.                                                                                                                                                                                                                                                                       |                                     |                                     |
| <b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>                                                                                                                                                                                                                                                                                                             |                                     |                                     |
| Applicant/sponsor/name: <u>Osborne Ventures, LLC</u> Date: <u>01.14.25</u>                                                                                                                                                                                                                                                                                                                                        |                                     |                                     |
| Signature: <u>[Signature]</u> Title: <u>Agent for the Applicant</u>                                                                                                                                                                                                                                                                                                                                               |                                     |                                     |

## EA Mapper Summary Report

Tuesday, January 14, 2025 2:35 PM



|                                                                                               |     |
|-----------------------------------------------------------------------------------------------|-----|
| Part 1 / Question 7 [Critical Environmental Area]                                             | No  |
| Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] | No  |
| Part 1 / Question 12b [Archeological Sites]                                                   | Yes |
| Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]                               | No  |
| Part 1 / Question 15 [Threatened or Endangered Animal]                                        | No  |
| Part 1 / Question 16 [100 Year Flood Plain]                                                   | No  |
| Part 1 / Question 20 [Remediation Site]                                                       | Yes |



**FLOOD ZONE CLASSIFICATION NOTE:**

- THE SUBJECT PARCELS ARE LOCATED WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS PER MAP FLOOD INSURANCE RATE MAP NUMBER J990000AND BEARING AN EFFECTIVE DATE OF
- MARCOLE M. RAYE

**SURVEY NOTES:**

- [illegible]

#### MAP REFERENCES:

1. ALABAMA LAND TITLE SECURITY OF LANDS NOW OR FORMERLY OF BALCHONG BARRON, FORMERLY OF BALCHONG BARRON & COMPANY, BALCHONG BARRON COUNTY, STATE OF NEW YORK, DATED BETWEEN 1907, AS PREPARED BY SAID TITLE.
2. ALABAMA LAND TITLE SECURITY OF LANDS NOW OR FORMERLY OF PLANK BARRON, FORMERLY OF PLANK BARRON & COMPANY, BALCHONG BARRON COUNTY, STATE OF NEW YORK, DATED BETWEEN 1907, AS PREPARED BY SAID TITLE.
3. ALABAMA LAND TITLE SECURITY OF LANDS NOW OR FORMERLY OF PLANK BARRON, FORMERLY OF PLANK BARRON & COMPANY, BALCHONG BARRON COUNTY, STATE OF NEW YORK, DATED BETWEEN 1907, AS PREPARED BY SAID TITLE.
4. NEW YORK TITLE COMPANY OF TRANSCONTINENTAL INSURANCE AND MAP FOR ACQUISITION OF TERRITORY, ALABAMA COUNTY, STATE OF NEW YORK, DATED BETWEEN 1907, AS PREPARED BY SAID TITLE.

RECEIVED  
NY 11211  
TOC  
BUILDING DEPT.

**OWNER/APPLICANT:**

OSBORNE VENTURES, LLC  
509 STATE ROUTE 57  
VALTA, NY 12020

BOOKS ON COLLOID PLASMA AND  
NON-EQUILIBRIUM THERMODYNAMICS



**TOWN OF COLONIE STANDARD SITE PLAN NOTES:**

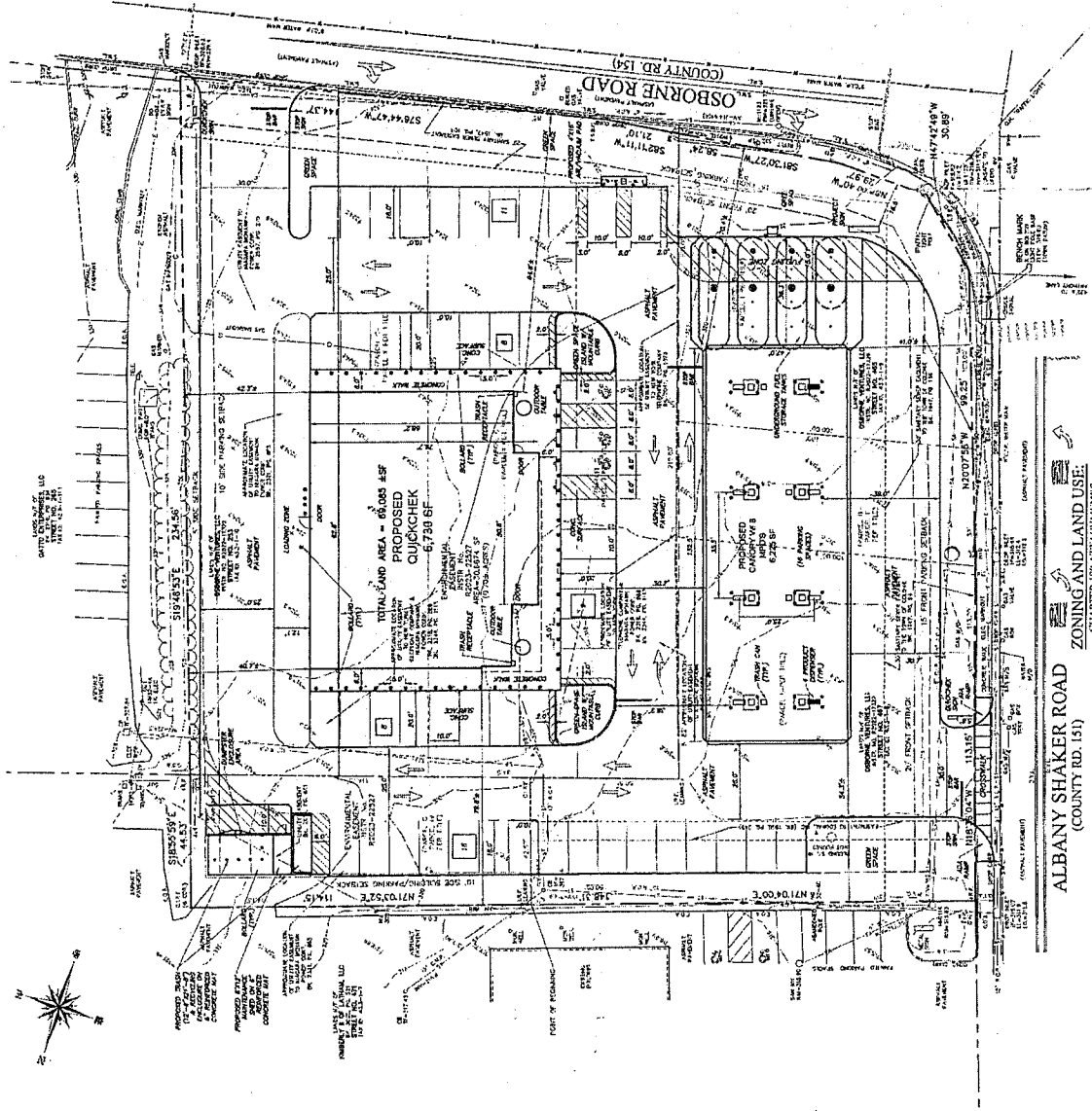
- [illegible]

## SOME STATISTICS

[illegible]

**PARKING ANALYSIS:**

WORKING REQUIRED:  
GAS STATION: 5 PER 1000 SF GROSS FLOOR AREA.  
WORKING REQUIRED =  $12,950 \text{ SF} / 1000 \times 5 = 65 \text{ SPACES}$   
(6.775 SF GAS PUMP CAPACITY)  
WORKING PROVIDED = 68 SPACES



ALBANY SHAKER ROAD  
(COUNTY RD. 151)

| DISTRICT | BUILDING AND LOT REQUIREMENTS  |                                |                          | BUILDING AND LOT REQUIREMENTS       |                      |                                              | VARIED REQUIREMENTS                 |                      |                                              |     |
|----------|--------------------------------|--------------------------------|--------------------------|-------------------------------------|----------------------|----------------------------------------------|-------------------------------------|----------------------|----------------------------------------------|-----|
|          | MAXIMUM BUILDING HEIGHT (feet) | MINIMUM LOT AREA (square feet) | MINIMUM LOT WIDTH (feet) | MINIMUM BUILDING AREA (square feet) | MINIMUM LOT COVERAGE | MINIMUM RESIDENTIAL DENSITY (units per acre) | MINIMUM BUILDING AREA (square feet) | MINIMUM LOT COVERAGE | MINIMUM RESIDENTIAL DENSITY (units per acre) |     |
| 13500    | 40                             | 6000                           | 60                       |                                     | 3%                   | 242 units per acre                           |                                     |                      | 20                                           | 316 |
| 13500    | 40                             | 6000                           | 60                       |                                     | 3%                   | 242 units per acre                           |                                     |                      | 20                                           | 316 |

CHAPTER 190 ATTACHMENT 2

TOWN OF COLONIE DIMENSIONAL TABLE

AMENDED 4-24-2007 BY L. No. 10-2007, 8-28-2008 BY L.L. No. 1-2008, 5-21-2009 BY L.L. No. 4-2009, 4-11-2011 BY L.L. No. 5-2011

**Call 811**



# 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

**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 March 2025, at 7:00 p.m.** to hear the appeal of **Whitman Holdings, 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 **435 New Karner Road**. The proposed renovations of an existing 41,475-square-foot two-story office building in an Office Residential (OR) zoning district with a proposed 17,975 square feet of commercial use and 23,500 square feet of residential use with 18 residential dwelling units does not comply with the maximum 12 dwelling units granted by the Zoning Board of Appeals on October 20, 2016, under variance (16-038) or with the maximum 11.9 dwelling units permitted as stated in the Town of Colonie Land Use Law Article VI, Sections 190-24, 190-25, and 190 Attachment #2 - Dimensional Table, Note #9. 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://colonienny.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](mailto: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 February 20, 2025**



Peter G. Crumney  
Town Supervisor

## Commercial Zoning Verification

Town of Colonie Building and Fire Services Department  
Public Operations Center, 347 Old Niskayuna Road  
Latham, New York 12110

Phone (518) 783-2706  
www.colonie.org/departments/building

RECEIVED

AUG 13 2024

TOWN OF COLONIE  
BUILDING DEPT.

**THIS APPLICATION IS FOR ZONING VERIFICATION FOR ANY COMMERCIAL PROJECT  
FEES ARE DUE AT THE TIME OF APPLICATION  
THIS FORM WILL BE ON FILE FOR 1 YEAR**

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 Laws. The Officer's determination is based solely upon the information submitted on this form and such determination is subject to review and change if the project is modified or further information becomes available at a subsequent date. The officer reserves the right to request further information as deemed necessary. A disapproval of the application by the zoning officer means the project, as designed, cannot proceed for the reasons 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. A new Application for Zoning Verification may need to be submitted if the applicable zoning laws change before the proposed action is completed.

NOTE: IF OWNER IS NOT THE SIGNED, THE SIGNED SWEARS THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER AND THAT THE SIGNED IS AUTHORIZED TO MAKE SUCH APPLICATION.

**1. GENERAL INFORMATION:**

Address of site of proposed action:

CASE # Z 202400902

435 New Karner Rd Albany NY 12205  
Number Street City State Zip

Name of applicant Whitman Holdings LLC

Address PO Box 511 Glenmont NY 12077  
Number Street City State Zip

Applicant's phone (W) NA (Cell) 518 461 6393

Email Address brwhitman511@gmail.com

Contact person Brian Whitman

Email Address brwhitman511@gmail.com

Phone number (W) NA (Cell) 518 461 6393

Property owner(s) Whitman Holdings LLC

Address PO Box 511 Glenmont NY 12077  
Number Street City State Zip

**DISAPPROVED**  
BY TOWN OF COLONIE BUILDING DEPT.

2. Describe the present use of the building and property, (If vacant, so note and list last prior use & tenant).  
Mixed office and 12 unit residential

**3. APPLICANT'S PROPOSED ACTION:**

A. Is the proposed action a:

- ☐ New building ☒ Addition ☒ Renovation ☐ Accessory Structure ☐ Other  
☐ New tenant (business name) ☐ (Including Alterations)  
☒ Change of use (new use) conversion to residential (apartment)  
☐ Temporary tent (Date tent will be erected) \_\_\_\_\_ (Date tent will be removed) \_\_\_\_\_  
☐ Site change or other (describe below) \_\_\_\_\_

B. Proposed use (check where applicable):

- |                                            |                                                    |                                                          |                                               |                                         |
|--------------------------------------------|----------------------------------------------------|----------------------------------------------------------|-----------------------------------------------|-----------------------------------------|
| <input checked="" type="checkbox"/> Office | <input type="checkbox"/> Warehouse / Storage       | <input type="checkbox"/> Motor Vehicle Repair Shop       | <input type="checkbox"/> Supermarket          | <input type="checkbox"/> Massage        |
| <input type="checkbox"/> Bank              | <input type="checkbox"/> Fast Food Establishment   | <input type="checkbox"/> Motor Vehicle Service Station   | <input type="checkbox"/> Wholesale            | <input type="checkbox"/> Messur         |
| <input type="checkbox"/> Retail            | <input type="checkbox"/> Restaurant / Bar          | <input type="checkbox"/> Motor Vehicle Sales             | <input type="checkbox"/> Industrial           | <input type="checkbox"/> Police Handout |
| <input type="checkbox"/> Bakery            | <input type="checkbox"/> Convenience Food Store    | <input type="checkbox"/> Mini Mart                       | <input type="checkbox"/> Day Care Child/Adult |                                         |
| <input type="checkbox"/> Hotel             | <input type="checkbox"/> Personal Service Business | <input checked="" type="checkbox"/> Multifamily Dwelling | <input type="checkbox"/> Nightclub            |                                         |
| <input type="checkbox"/> School            | <input type="checkbox"/> Wireless Telecom Facility | <input type="checkbox"/> Place of Worship                | <input type="checkbox"/> Other                |                                         |

C. DESCRIBED THE PROPOSED USE IN DETAIL IN A COMPLETE DESCRIPTIVE NARRATIVE.

Convert up to 8400 SF from commercial office space to up to 7 new 1-2 bedroom apartments on 1st and 2nd floor of phase 5 of building.

OVER

4. Parcel is located in a OR zoning district (refer to Town of Colonie Zoning Map)

5. SITE INFORMATION: IF THE APPLICANT PROPOSES ONLY A TENANT CHANGE, THIS SECTION MAY NOT BE REQUIRED TO BE COMPLETED. HOWEVER, THIS SECTION MUST BE COMPLETED AND TWO (2) COPIES OF THE PROPOSED SITE PLAN MUST BE SUBMITTED FOR ANY PROPOSAL WHICH INCLUDES A CHANGE OF USE, TEMPORARY TENT, ADDITION, ACCESSORY STRUCTURE OR NEW BUILDING.

A. TEMPORARY TENT: Plan may be hand drawn by the applicant and must depict the existing structure(s), if any, the proposed structure/tent, the lot layout, and all new and existing building setbacks.

B. MAJOR/MINOR OR NONCONFORMING COMMERCIAL SITE OR USE: Plan must be drawn by a licensed N.Y.S. engineer, architect, surveyor or landscape architect and have upon it; the address of the property, all easements, area of the parcel, abutting public highways, frontage of the lot on public highway, all building setback dimensions, the proposed structure, parking, building heights, and all zoning districts within 300 feet of the site. In OR, COR, IICOR and NCOR zoning districts, the site plan must show existing buildings and front yard setback dimensions for abutting properties on each side.

NOTE: MAJOR/MINOR/NONCONFORMING USE Site Development Proposals are defined in the Town of Colonie Land Use Law Section 190-11(A)(B).

C. Area of Property: 2.48 acres and \_\_\_\_\_ square feet Lot Size width 200 depth 654  
Length of property on a developed street \_\_\_\_\_ feet  
Is this a corner lot? Yes \_\_\_\_\_ No X Frontage on each street \_\_\_\_\_ ft. \_\_\_\_\_ ft.  
Is this a through lot? Yes \_\_\_\_\_ No X Frontage on each street \_\_\_\_\_ ft. \_\_\_\_\_ ft.

Building setbacks: Existing Proposed  
Front yard \_\_\_\_\_ ft. \_\_\_\_\_ ft. Right side yard Existing Proposed  
Rear/Front yard \_\_\_\_\_ ft. \_\_\_\_\_ ft. Left side yard \_\_\_\_\_ ft. \_\_\_\_\_ ft.

Existing Building Height (at peak) 25 ft. 2 stories New Building Size: Length 60 ft. Width 30 ft.  
Proposed Building Height (at peak) 12 ft. 1 stories Density Sq. Ft. per acre 16,750 Units per acre 2.6

Gross floor area: existing 20,000 sq. ft. proposed 1,800 sq. ft. total 21,800 sq. ft.

6. SIGNATURE OF APPLICANT Brian Whitman  
PRINTED OR TYPED APPLICANT NAME Brian Whitman DATE 8-13-24

If DISAPPROVED "Such appeal shall be taken within sixty days after the filing in the town clerk's office of any order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of such ordinance or local law, from which the appeal is taken".

XXXXXXXXXXXXXXXXXXXXXXX FOR OFFICIAL USE ONLY XXXXXXXXXXXXXXXXXXXXXXXXXX

I, Chris Mastropasqua zoning officer of the Town of Colonie do hereby find that the proposed action as described herein and any attachments hereto,

IS IN ACCORDANCE \_\_\_\_\_ APPROVED DATE 10/25/24

IS NOT IN ACCORDANCE \_\_\_\_\_ DISAPPROVED DATE \_\_\_\_\_

with Chapter 190 of the Colonie Land Use Law that is effective as of this date.

*\*Change of use will require plans are provided, completed by a licensed NYS design professional.*

**DISAPPROVED**  
BY TOWN OF COLONIE BUILDING DEPT.

TO THE APPLICANT: THIS IS NOT A BUILDING AND ZONING PERMIT. IF YOU WISH TO PROCEED, PLEASE SUBMIT AN APPLICATION FOR THE FOLLOWING:

- ☒ BUILDING AND ZONING PERMIT APPLICATION (Building Department)  
☒ APPLICATION FOR ZONING VARIANCE OR INTERPRETATION (Building Department)  
☐ APPLICATION FOR PLANNING DEPT. APPROVAL (Planning and Economic Development)  
☐ SPECIAL USE PERMIT USE \_\_\_\_\_

Variance/SUP granted on property Yes ☒ No ☐ Parcel in/near a wetland Yes ☐ No ☒  
Variance # 82-006 + 83-002 Parcel in/near a flood plain Yes ☐ No ☒  
Is existing use nonconforming Yes ☐ No ☒ Watercourse on/near the property Yes ☐ No ☒

YES NO VIOLATION - CHAPTER 190-118 (BUILDING PERMITS REQUIRED)  
☐ CONSTRUCTION STARTED WITHOUT OBTAINING BUILDING AND ZONING PERMIT

Major Zoning Verification \$215 ☐ Fee Paid \_\_\_\_\_  
Minor Zoning Verification \$115 ☒ Fee Paid 1096 8/13 SD  
Other Zoning Verification \$ 65 ☐ Fee Paid \_\_\_\_\_

All fees are non-refundable

The proposed renovations of an existing 41,475-square-foot two-story office building in an Office Residential (OR) zoning district with a proposed 17,975 square feet of commercial use and 23,500 square feet of residential use with 18 residential dwelling units does not comply with the maximum 12 dwelling units granted by the Zoning Board of Appeals on October 20, 2016, under variance (16-038) or with the maximum 11.9 dwelling units permitted as stated in the Town of Colonie Land Use Law Article VI, Sections 190-24, 190-25, and 190 Attachment #2 - Dimensional Table, Note #9.

07/2023

**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: January 9, 2025

1. The undersigned, Brian Whitman, representing Whitman Holdings LLC of 435 New Karner Road (S.B.L. # 29.2-1-15) hereby gives notice of appeal from the decision of the Building Department Director made on the 25th day of October, 2024, in refusing to issue a Building and Zoning Permit on the grounds 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 renovations of an existing 41,475-square-foot two-story office building in an Office Residential (OR) zoning district with a proposed 17,975 square feet of commercial use and 23,500 square feet of residential use with 18 residential dwelling units does not comply with the maximum 12 dwelling units granted by the Zoning Board of Appeals on October 20, 2016, under variance (16-038) or with the maximum 11.9 dwelling units permitted as stated in the Town of Colonie Land Use Law Article VI, Sections 190-24, 190-25, and 190 Attachment #2 - Dimensional Table, Note #9.

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:

*Dimensional Table, Note 9 has been amended in DEC 2022. It now permits "up to 80% of base commercial density may be converted to residential use. 23,500 SF is less than 80% of the 40,000 SF building total area."*

- 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:

*A variance is required to tie the 2016 variance and this request together.*

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:

*Allow commercial to residential conversion at the current allowed rate of up to 80%.*

Attached hereto is a plot plan of said property, showing *building dimension, setbacks, lot size and streets. There are no changes to site plan.*

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):

*There are currently 12 apartments on premises. Residential + Commercial tenants are in harmony. Commercial tenants appreciate that building is occupied outside normal business hours.*

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) \_\_\_\_\_

DAWN SKRAMSTAD  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01SK6237937  
Qualified in Rensselaer County  
My Commission Expires 3/31/27

STATE OF *New York*  
COUNTY OF *Rensselaer* SS:

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 *[Signature]*  
Print Name *Brian Whitman*  
Address *PO Box 571  
Glenmont, NY 12077*

Owner or lessee if other than above

Subscribed and sworn to before me this *14th*  
day of *January*, 2025

Name *Same as above*  
Mailing \_\_\_\_\_  
Address \_\_\_\_\_

*Dawn Skramstad*

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

|                                                                                                                                                                                                                                                                                                                                                                                  |                     |                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------------------------|
| <b>Name of Action or Project:</b><br>6 apartment conversion of 435 New Karner Rd                                                                                                                                                                                                                                                                                                 |                     |                                       |
| <b>Project Location (describe, and attach a general location map):</b><br>435 New Karner Rd. Albany, NY 12205                                                                                                                                                                                                                                                                    |                     |                                       |
| <b>Brief Description of Proposed Action (include purpose or need):</b><br>Convert approximately 7500SF of existing 1st floor office space to 6 - 2 bedroom apartments. Commercial occupancy is low. Conversion to residential will increase occupancy and make building a viable investment. There are currently 12 apartments in the building. All are rented 100% of the time. |                     |                                       |
| <b>Name of Applicant/Sponsor:</b><br>Whitman Holdings, LLC                                                                                                                                                                                                                                                                                                                       |                     | <b>Telephone:</b> 518-461-6393        |
|                                                                                                                                                                                                                                                                                                                                                                                  |                     | <b>E-Mail:</b> brwhitman511@gmail.com |
| <b>Address:</b> PO Box 511                                                                                                                                                                                                                                                                                                                                                       |                     |                                       |
| <b>City/PO:</b> Glenmont                                                                                                                                                                                                                                                                                                                                                         | <b>State:</b> NY    | <b>Zip Code:</b> 12077                |
| <b>Project Contact (if not same as sponsor; give name and title/role):</b><br>Brian Whitman owner                                                                                                                                                                                                                                                                                |                     | <b>Telephone:</b> 518-461-6393        |
|                                                                                                                                                                                                                                                                                                                                                                                  |                     | <b>E-Mail:</b> brwhitman511@gmail.com |
| <b>Address:</b><br>PO Box 511                                                                                                                                                                                                                                                                                                                                                    |                     |                                       |
| <b>City/PO:</b><br>Glenmont                                                                                                                                                                                                                                                                                                                                                      | <b>State:</b><br>NY | <b>Zip Code:</b><br>12077             |
| <b>Property Owner (if not same as sponsor):</b><br>same                                                                                                                                                                                                                                                                                                                          |                     | <b>Telephone:</b>                     |
|                                                                                                                                                                                                                                                                                                                                                                                  |                     | <b>E-Mail:</b>                        |
| <b>Address:</b>                                                                                                                                                                                                                                                                                                                                                                  |                     |                                       |
| <b>City/PO:</b>                                                                                                                                                                                                                                                                                                                                                                  | <b>State:</b>       | <b>Zip Code:</b>                      |

## B. Government Approvals

**B. Government Approvals, Funding, or Sponsorship.** ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

| Government Entity                                                                                                                | If Yes: Identify Agency and Approval(s) Required | Application Date (Actual or projected)                              |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|---------------------------------------------------------------------|
| a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>or Village Board of Trustees |                                                  |                                                                     |
| b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No        | Town of Colonie Building Dept                    | 8-13-24                                                             |
| c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No             | Town of Colonie Zoning Board of Appeals          | 1-10-25                                                             |
| d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                      |                                                  |                                                                     |
| e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                           |                                                  |                                                                     |
| f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                         |                                                  |                                                                     |
| g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                            |                                                  |                                                                     |
| h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                          |                                                  |                                                                     |
| i. Coastal Resources.                                                                                                            |                                                  |                                                                     |
| i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?                            |                                                  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?                         |                                                  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| iii. Is the project site within a Coastal Erosion Hazard Area?                                                                   |                                                  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

## C. Planning and Zoning

### C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

### C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☒ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

NYS Heritage Areas: Mohawk Valley Heritage Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

|                                                                                                                                                                                                                                  |                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <b>C.3. Zoning</b>                                                                                                                                                                                                               |                                                                     |
| a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.<br>If Yes, what is the zoning classification(s) including any applicable overlay district?<br><u>Office-Residential</u> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| b. Is the use permitted or allowed by a special or conditional use permit?                                                                                                                                                       | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| c. Is a zoning change requested as part of the proposed action?<br>If Yes,<br>i. What is the proposed new zoning for the site? _____                                                                                             | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| <b>C.4. Existing community services.</b>                                                                                                                                                                                         |                                                                     |
| a. In what school district is the project site located? <u>South Colonie</u>                                                                                                                                                     |                                                                     |
| b. What police or other public protection forces serve the project site?<br><u>Town of Colonie Police</u>                                                                                                                        |                                                                     |
| c. Which fire protection and emergency medical services serve the project site?<br><u>Town of Colonie Fire &amp; EMS</u>                                                                                                         |                                                                     |
| d. What parks serve the project site?<br><u>The Crossings of Colonie Park</u>                                                                                                                                                    |                                                                     |

#### D. Project Details

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <b>D.1. Proposed and Potential Development</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                     |
| a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? <u>redevelopment of existing space. Commercial to residential</u>                                                                                                                                                                                                                                                                                                                       |                                                                     |
| b. a. Total acreage of the site of the proposed action?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <u>2.48</u> acres                                                   |
| b. Total acreage to be physically disturbed?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <u>0</u> acres                                                      |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?                                                                                                                                                                                                                                                                                                                                                                                                                    | <u>2.48</u> acres                                                   |
| c. Is the proposed action an expansion of an existing project or use?<br>i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____                                                                                                                                                                                                                                                                                            | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| d. Is the proposed action a subdivision, or does it include a subdivision?<br>If Yes,<br>i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____<br>ii. Is a cluster/conservation layout proposed? _____<br>iii. Number of lots proposed? _____<br>iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____                                                                                                                                                          | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| e. Will the proposed action be constructed in multiple phases?<br>i. If No, anticipated period of construction: _____<br>ii. If Yes:<br>• Total number of phases anticipated _____<br>• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year<br>• Anticipated completion date of final phase _____ month _____ year<br>• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

|                                                                                                                                                                                                     |                   |                   |                     |                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------|---------------------|---------------------------------------|
| f. Does the project include new residential uses? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span><br>If Yes, show numbers of units proposed. |                   |                   |                     |                                       |
|                                                                                                                                                                                                     | <u>One Family</u> | <u>Two Family</u> | <u>Three Family</u> | <u>Multiple Family (four or more)</u> |
| Initial Phase                                                                                                                                                                                       | 6                 |                   |                     |                                       |
| At completion of all phases                                                                                                                                                                         | 6                 |                   |                     |                                       |

|                                                                                                                                                                                                                                   |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If Yes,                    |  |
| i. Total number of structures _____<br>ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length<br>iii. Approximate extent of building space to be heated or cooled: _____ square feet |  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If Yes,                                                                                                                                                                                                                                                                                                                                                     |  |
| i. Purpose of the impoundment: _____<br>ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____<br>iii. If other than water, identify the type of impounded/contained liquids and their source. _____<br>iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres<br>v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length<br>vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____ |  |

**D.2. Project Operations**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If Yes:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
| i. What is the purpose of the excavation or dredging? _____<br>ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?<br>• Volume (specify tons or cubic yards): _____<br>• Over what duration of time? _____<br>iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____<br>_____<br>iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span><br>If yes, describe. _____<br>_____<br>v. What is the total area to be dredged or excavated? _____ acres<br>vi. What is the maximum area to be worked at any one time? _____ acres<br>vii. What would be the maximum depth of excavation or dredging? _____ feet<br>viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span><br>ix. Summarize site reclamation goals and plan: _____<br>_____<br>_____ |  |

|                                                                                                                                                                                                                                                                                                            |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If Yes: |  |
| i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____<br>_____<br>_____                                                                                                                                          |  |

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☐ No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

\_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?

☐ Yes ☒ No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?

☒ Yes ☐ No

If Yes:

- Name of district or service area: Latham Water District

- Does the existing public water supply have capacity to serve the proposal?

☒ Yes ☐ No

- Is the project site in the existing district?

☒ Yes ☐ No

- Is expansion of the district needed?

☐ Yes ☒ No

- Do existing lines serve the project site?

☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project?

☐ Yes ☒ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

\_\_\_\_\_

- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☒ No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_

- Date application submitted or anticipated: \_\_\_\_\_

- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

\_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?

☐ Yes ☒ No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

\_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?

☒ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: Town of Colonie Pure Waters

- Name of district: Town of Colonie

- Does the existing wastewater treatment plant have capacity to serve the project?

☒ Yes ☐ No

- Is the project site in the existing district?

☒ Yes ☐ No

- Is expansion of the district needed?

☐ Yes ☒ No

- Do existing sewer lines serve the project site? ☒ Yes ☐ No
- Will a line extension within an existing district be necessary to serve the project? ☐ Yes ☒ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

- iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☒ No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

- v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

- vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_

- e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐ Yes ☒ No

If Yes:

- i. How much impervious surface will the project create in relation to total size of project parcel?

\_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)

\_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)

- ii. Describe types of new point sources. \_\_\_\_\_

- iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_

- Will stormwater runoff flow to adjacent properties? ☐ Yes ☐ No

- iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐ Yes ☐ No

- f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☒ No

If Yes, identify:

- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

- g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☒ No

If Yes:

- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☒ No

- ii. In addition to emissions as calculated in the application, the project will generate:

- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
- \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
- \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                         |                                                                                                                                                                                          |                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                         |                                                                                                                                                                                          |                                                                                                                                                                                         |
| <p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                         |                                                                                                                                                                                          |                                                                                                                                                                                         |
| <p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend<br/> <input type="checkbox"/> Randomly between hours of _____ to _____</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing <u>132</u> Proposed <u>132</u> Net increase/decrease <u>0</u></p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> |                                                                                                                                                                                         |                                                                                                                                                                                          |                                                                                                                                                                                         |
| <p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                         |                                                                                                                                                                                          |                                                                                                                                                                                         |
| <p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> </tr> </table>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                         | <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> | <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> |
| <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> |                                                                                                                                                                                          |                                                                                                                                                                                         |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |
| <p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Describe: _____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
| <p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |
| <p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Describe: _____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |
| <p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
| <p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
| <p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |
| <p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |
| <p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> |  |

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☒ No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

#### E. Site and Setting of Proposed Action

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe:  
commercial offices buildings, apartments and single family dwellings

b. Land uses and covertypes on the project site.

| Land use or Covertypes                                                                   | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|------------------------------------------------------------------------------------------|-----------------|----------------------------------|--------------------|
| • Roads, buildings, and other paved or impervious surfaces                               | 1.6             | 1.6                              | 0                  |
| • Forested                                                                               | 0               | 0                                | 0                  |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | .88             | .88                              | 0                  |
| • Agricultural (includes active orchards, field, greenhouse etc.)                        | 0               | 0                                | 0                  |
| • Surface water features (lakes, ponds, streams, rivers, etc.)                           | 0               | 0                                | 0                  |
| • Wetlands (freshwater or tidal)                                                         | 0               | 0                                | 0                  |
| • Non-vegetated (bare rock, earth or fill)                                               | 0               | 0                                | 0                  |
| • Other Describe: _____                                                                  | 0               | 0                                | 0                  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>c. Is the project site presently used by members of the community for public recreation? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>i. If Yes: explain: _____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
| <p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes,</p> <p>i. Identify Facilities: _____</p> <p>_____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| <p>e. Does the project site contain an existing dam? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> <li>• Dam height: _____ feet</li> <li>• Dam length: _____ feet</li> <li>• Surface area: _____ acres</li> <li>• Volume impounded: _____ gallons OR acre-feet</li> </ul> <p>ii. Dam's existing hazard classification: _____</p> <p>iii. Provide date and summarize results of last inspection: _____</p> <p>_____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
| <p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Has the facility been formally closed? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>• If yes, cite sources/documentation: _____</p> <p>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____</p> <p>_____</p> <p>iii. Describe any development constraints due to the prior solid waste activities: _____</p> <p>_____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
| <p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____</p> <p>_____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |
| <p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Yes – Spills Incidents database<br/> <input type="checkbox"/> Yes – Environmental Site Remediation database<br/> <input type="checkbox"/> Neither database         </div> <div>           Provide DEC ID number(s): _____<br/>           Provide DEC ID number(s): _____         </div> </div> <p>ii. If site has been subject of RCRA corrective activities, describe control measures: _____</p> <p>_____</p> <p>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes, provide DEC ID number(s): _____</p> <p>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____</p> <p>_____</p> <p>_____</p> |  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>                                                                                                                                                                                                                                                                                                               |         |
| <ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____</li> </ul> |         |
| <b>E.2. Natural Resources On or Near Project Site</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |
| a. What is the average depth to bedrock on the project site? _____ 100 feet                                                                                                                                                                                                                                                                                                                                                                                                                             |         |
| b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>                                                                                                                                                                                                                                                                                                                                           |         |
| If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %                                                                                                                                                                                                                                                                                                                                                                                                                       |         |
| c. Predominant soil type(s) present on project site:                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |
| sand                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 50 %    |
| clay                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 50 %    |
| _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | _____ % |
| d. What is the average depth to the water table on the project site? Average: _____ 8 feet                                                                                                                                                                                                                                                                                                                                                                                                              |         |
| e. Drainage status of project site soils: <input checked="" type="checkbox"/> Well Drained: _____ 90 % of site                                                                                                                                                                                                                                                                                                                                                                                          |         |
| <input checked="" type="checkbox"/> Moderately Well Drained: _____ 10 % of site                                                                                                                                                                                                                                                                                                                                                                                                                         |         |
| <input type="checkbox"/> Poorly Drained _____ % of site                                                                                                                                                                                                                                                                                                                                                                                                                                                 |         |
| f. Approximate proportion of proposed action site with slopes: <input checked="" type="checkbox"/> 0-10%: _____ 100 % of site                                                                                                                                                                                                                                                                                                                                                                           |         |
| <input type="checkbox"/> 10-15%: _____ % of site                                                                                                                                                                                                                                                                                                                                                                                                                                                        |         |
| <input type="checkbox"/> 15% or greater: _____ % of site                                                                                                                                                                                                                                                                                                                                                                                                                                                |         |
| g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>                                                                                                                                                                                                                                                                                                                                   |         |
| If Yes, describe: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |         |
| h. Surface water features.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         |
| i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>                                                                                                                                                                                                                                                                       |         |
| ii. Do any wetlands or other waterbodies adjoin the project site? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>                                                                                                                                                                                                                                                                                                                                |         |
| If Yes to either i or ii, continue. If No, skip to E.2.i.                                                                                                                                                                                                                                                                                                                                                                                                                                               |         |
| iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>                                                                                                                                                                                                                                                                |         |
| iv. For each identified regulated wetland and waterbody on the project site, provide the following information:                                                                                                                                                                                                                                                                                                                                                                                         |         |
| • Streams: Name _____ Classification _____                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         |
| • Lakes or Ponds: Name _____ Classification _____                                                                                                                                                                                                                                                                                                                                                                                                                                                       |         |
| • Wetlands: Name _____ Approximate Size _____                                                                                                                                                                                                                                                                                                                                                                                                                                                           |         |
| • Wetland No. (if regulated by DEC) _____                                                                                                                                                                                                                                                                                                                                                                                                                                                               |         |
| v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>                                                                                                                                                                                                                                                                            |         |
| If yes, name of impaired water body/bodies and basis for listing as impaired: _____                                                                                                                                                                                                                                                                                                                                                                                                                     |         |
| i. Is the project site in a designated Floodway? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>                                                                                                                                                                                                                                                                                                                                                 |         |
| j. Is the project site in the 100-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>                                                                                                                                                                                                                                                                                                                                               |         |
| k. Is the project site in the 500-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>                                                                                                                                                                                                                                                                                                                                               |         |
| l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>                                                                                                                                                                                                                                                                                      |         |
| If Yes:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |         |
| i. Name of aquifer: Principal Aquifer, Sole Source Aquifer Names: Schenectady-Niskayuna SSA                                                                                                                                                                                                                                                                                                                                                                                                             |         |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
| <p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul> |  |
| <p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>                                                                                                                                                                                                                |  |
| <p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>                                                                                                                                                                                                                                                                                                                                             |  |
| <p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>                                                                                                                                                                                                                                                                                                                                                        |  |
| <p><b>E.3. Designated Public Resources On or Near Project Site</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
| <p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>                                                                                                                                                                                                                                                                                                                                       |  |
| <p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>                                                                                                                                                                                                                                                                                                                                                        |  |
| <p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>                                                                                              |  |
| <p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>                                                                                                                                                                                                                                                                        |  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> |  |
| If Yes: <ul style="list-style-type: none"> <li>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site    <input type="checkbox"/> Historic Building or District</li> <li>ii. Name: _____</li> <li>iii. Brief description of attributes on which listing is based: _____</li> </ul>                                                                                                                                                                 |  |
| f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>                                                                                                                                                              |  |
| g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>                                                                                                                                                                                                                                                                          |  |
| If Yes: <ul style="list-style-type: none"> <li>i. Describe possible resource(s): _____</li> <li>ii. Basis for identification: _____</li> </ul>                                                                                                                                                                                                                                                                                                                                          |  |
| h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>                                                                                                                                                                                                                             |  |
| If Yes: <ul style="list-style-type: none"> <li>i. Identify resource: _____</li> <li>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</li> <li>iii. Distance between project and resource: _____ miles.</li> </ul>                                                                                                                                                                  |  |
| i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>                                                                                                                                                                                                                                            |  |
| If Yes: <ul style="list-style-type: none"> <li>i. Identify the name of the river and its designation: _____</li> <li>ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul>                                                                                                                                                                  |  |

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

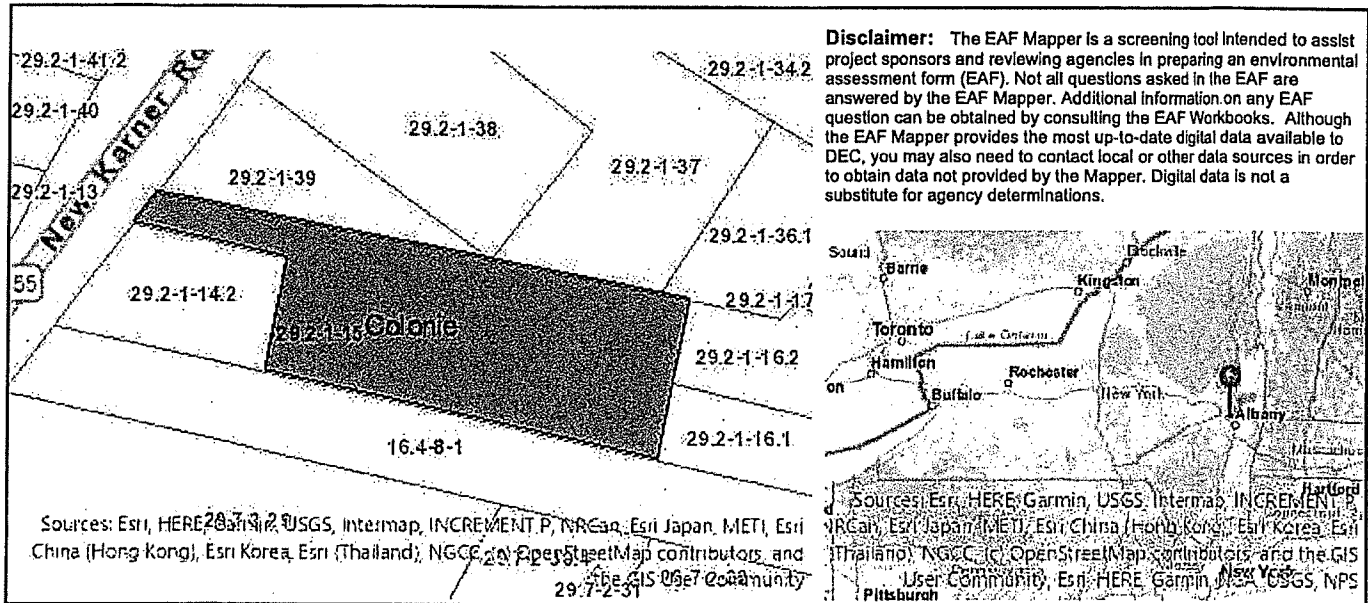
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Brian Whitman Date 1-10-2025

Signature \_\_\_\_\_ Title member

# EAF Mapper Summary Report

Thursday, January 9, 2025 7:45 PM

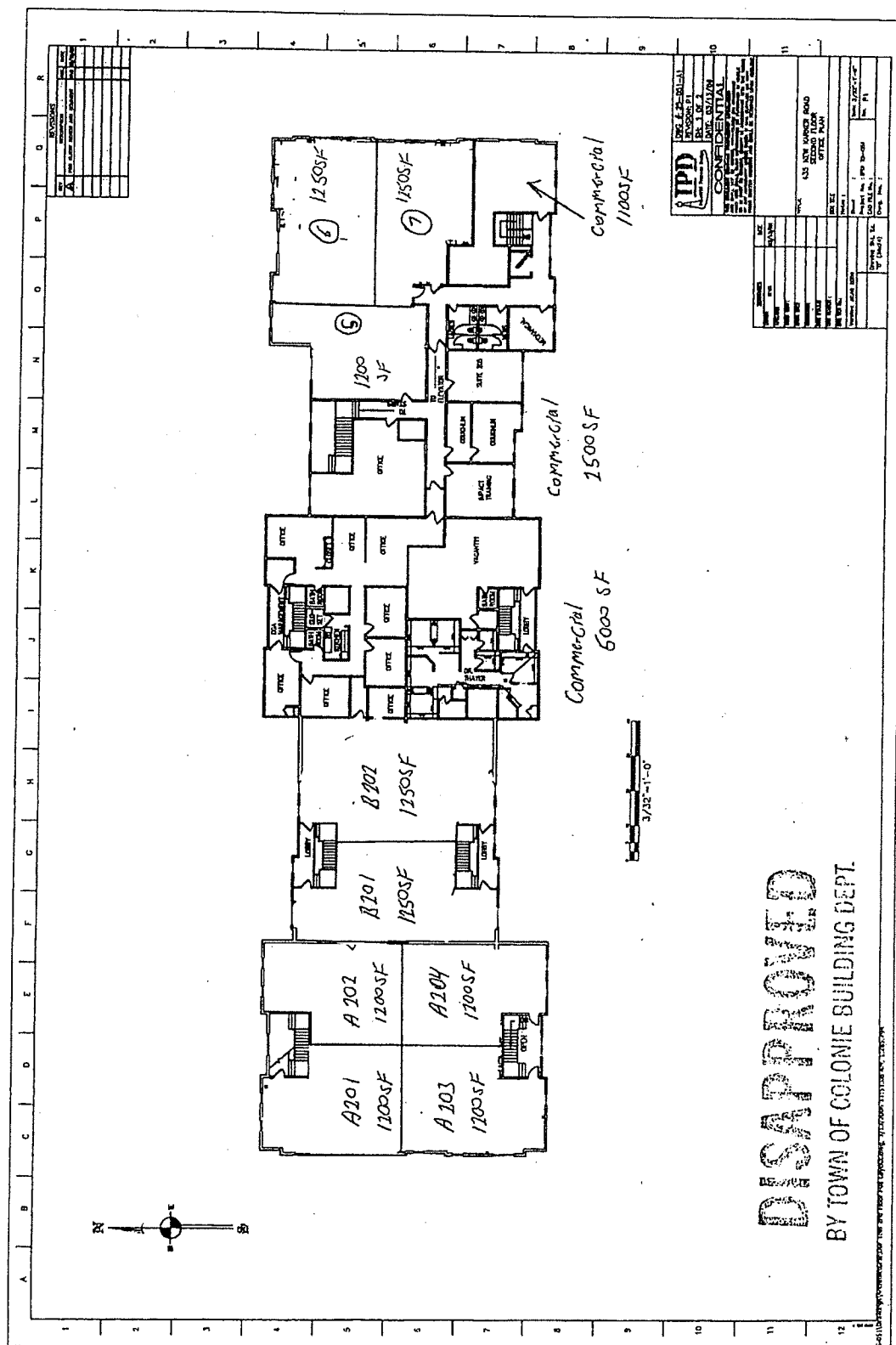


|                                                                                    |                                                                                                                                   |
|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| B.1.i [Coastal or Waterfront Area]                                                 | No                                                                                                                                |
| B.1.ii [Local Waterfront Revitalization Area]                                      | No                                                                                                                                |
| C.2.b. [Special Planning District]                                                 | Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.                           |
| C.2.b. [Special Planning District - Name]                                          | NYS Heritage Areas: Mohawk Valley Heritage Corridor                                                                               |
| E.1.h [DEC Spills or Remediation Site - Potential Contamination History]           | Digital mapping data are not available or are incomplete. Refer to EAF Workbook.                                                  |
| E.1.h.i [DEC Spills or Remediation Site - Listed]                                  | Digital mapping data are not available or are incomplete. Refer to EAF Workbook.                                                  |
| E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook.                                                  |
| E.1.h.iii [Within 2,000' of DEC Remediation Site]                                  | No                                                                                                                                |
| E.2.g [Unique Geologic Features]                                                   | No                                                                                                                                |
| E.2.h.i [Surface Water Features]                                                   | No                                                                                                                                |
| E.2.h.ii [Surface Water Features]                                                  | Yes                                                                                                                               |
| E.2.h.iii [Surface Water Features]                                                 | Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook. |
| E.2.h.v [Impaired Water Bodies]                                                    | No                                                                                                                                |
| E.2.i. [Floodway]                                                                  | No                                                                                                                                |
| E.2.j. [100 Year Floodplain]                                                       | No                                                                                                                                |
| E.2.k. [500 Year Floodplain]                                                       | No                                                                                                                                |
| E.2.l. [Aquifers]                                                                  | Yes                                                                                                                               |
| E.2.l. [Aquifer Names]                                                             | Principal Aquifer, Sole Source Aquifer Names: Schenectady-Niskayuna SSA                                                           |
| E.2.n. [Natural Communities]                                                       | No                                                                                                                                |

|                                                                                |                                                                                  |
|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| E.2.o. [Endangered or Threatened Species]                                      | No                                                                               |
| E.2.p. [Rare Plants or Animals]                                                | No                                                                               |
| E.3.a. [Agricultural District]                                                 | No                                                                               |
| E.3.c. [National Natural Landmark]                                             | No                                                                               |
| E.3.d [Critical Environmental Area]                                            | No                                                                               |
| E.3.e. [National or State Register of Historic Places or State Eligible Sites] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.3.f. [Archeological Sites]                                                   | Yes                                                                              |
| E.3.i. [Designated River Corridor]                                             | No                                                                               |








BY TOWN OF COLONIE BUILDING DEPT.

1

Commercial Zoning Verification

435 New Karner Rd. Albany, NY 12205

Narrative:

Propose to convert commercial space on 1<sup>st</sup> & 2<sup>nd</sup> floors from office to residential apartments.

1<sup>st</sup> floor: Demo approx. 4800SF of existing office space. Build 4 new apartments ranging from approx. 950SF to 1300SF each. Units to be 2 bedroom and 1 ½ or 2 baths each.

See 1<sup>st</sup> floor drawing attached for exact location.

2<sup>nd</sup> floor: Demo approx. 3600SF of existing office space. Build 3 new apartments of approx. 1250SF each. Units to be 2 bedroom and 1 ½-2 baths each.

See 2<sup>nd</sup> floor drawing attached for exact location.

Building currently has 127 regular and 5 handicap parking spaces. Today, parking is not an issue and there are always open spaces throughout the lot.

There are currently 12 2-bedroom apartments with 6 on 1<sup>st</sup> and 6 on 2<sup>nd</sup> floor. All are occupied and I have a waiting list of prospective new tenants. The commercial tenants like having people in the building at night and the residential tenants like the quiet in evenings and weekends when most commercial tenants are away.