



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/boards/zba>

Chretien T. Voerg, P.E.
Director

Date: June 18, 2025
To: Members of the Zoning Board of Appeals
From: Chretien T. Voerg, P.E., Director
Subject: **Zoning Board of Appeals Agenda – July 2, 2025**

New Hearings:

25-017 251 Troy Schenectady Road – Michael Fiacco

Adjourned Hearings:

25-012 1139 Loudon Road – Boght-Oakwood Veterinary Clinic



Peter G. Crummey
Town Supervisor

TOWN OF COLONIE

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

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 **2nd day of July 2025, at 7:00 p.m.** to hear the appeal of **Michael Fiacco** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **251 Troy Schenectady Road**. The proposed modification of a nonconforming two-family dwelling into a single-family dwelling in a Commercial Office Residential (COR) zoning district is not an allowable use as stated in the Town of Colonie Land Use Law Article V, Section 190-18 and Attachment #1 – Table of Permitted Uses and is not permitted as stated in Article VIII, Section 190-34 Nonconforming 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. (Emailed comments must be received at least 24 hours in advance). Such comments will be read and addressed by the Chairman during the hearing. Landlords are strongly encouraged to notify tenants of the contents of this notice.

ZONING BOARD OF APPEALS
PETER R. CROUSE, CHAIRMAN

DATED June 18, 2025

Application for Zoning Verification and Building/Zoning Permit

RECEIVED

MAR 20 2025

TOC
BUILDING DEPT

RESIDENTIAL

TOWN OF COLONIE
Public Operations Center
347 Old Niskayuna Road
Latham, NY 12110-2286

Building Department
518-783-2706
Fax 518-783-2772

Permit No. 202500447
2202500241

INSTRUCTIONS

Any proposal which requires a Town of Colonie Building and Zoning Permit must first be reviewed by the zoning enforcement officer of the Town of Colonie to determine whether the proposal violates any zoning provision(s) of the Town of Colonie Land Use Law. The zoning enforcement officer's determination is based upon the information submitted on this form and such determination is subject to review and change if the project is modified at a subsequent date. The zoning enforcement officer reserves the right to request further information if deemed necessary. Disapproval of the application by the zoning enforcement officer means the project, as designed, cannot proceed for the reasons provided. If you disagree with the zoning enforcement officer's determination, you may appeal said determination to the Town of Colonie Zoning Board of Appeals.

A new Application for Zoning Verification may be required if applicable zoning laws change before the proposed action is completed.

SITE PLAN REQUIRED

If the proposed action includes a garage, pool, shed, addition, other accessory structure or a new building, a site plan must be submitted with this application. Site plan requirements are as follows: Depending on the type of construction, a hand-drawn plan may be done by the applicant. The plan must depict the existing structure(s), if any, the proposed structure, the lot layout, and all new and existing building setbacks.

APPLICATION IS HEREBY MADE to the Building Department for the issuance of a Building/Zoning Permit pursuant to the N.Y.S. Uniform Fire Prevention & Building Code for the construction of buildings, additions or alterations, or for removal or demolition, as herein described. The signee and/or owner agrees to comply with all applicable laws, ordinances, and regulations, as well as any conditions expressed on this application, and will allow all inspectors to enter the premises for required inspections.

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

Address of Site: 251 Tracy Schenck Rd
Latham NY 12110
 City State Zip

Property Owner's Name: Michael Fiocco
(Applicant)

Address: 217A bocht Rd

Waterliet NY 12189

Phone W _____ H/Cell. 802-345-7904

Property Owner's Email: mfiacco@charlottesville.net

Contractor's Business Name: [Signature]
(insurance must match business name)

Address: _____

City State Zip
Phone W Cell

ESTIMATED COST \$ 2500⁰⁰ Flr. Area

PERMIT FEE \$ 170.00
(This fee is not refundable)

*all permits, co's and cc's will be issued to the property owner

*Owners performing work must submit a CE-200
obtained from www.businessexpress.ny.gov*

By signing this application, the owner/contractor doing work acknowledges their responsibility for verification of all required subcontractor insurance.

Contractors must prove compliance with Section 57 of the Worker's Compensation Law by producing one of the following:

☐ C-105.2 ☐ U-26.3 ☐ SI-12 ☒ CE-200

Contractor's General Liability

Insured's Name _____
(must match business name)

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.

ADVISORY NOTE: THERE ARE SEVERAL PARCELS OF LAND IN THE TOWN OF COLONIE THAT CONTAIN FEDERAL WETLANDS. BEFORE EXCAVATING, WE ADVISE CONTACTING THE ARMY CORP. OF ENGINEERS AT (518) 270-0588.

**YOU MUST CALL FOR REQUIRED INSPECTIONS.
SEE PERMIT CARD FOR INSPECTIONS NEEDED**

INSURANCE INFORMATION REQUIRED

FOR OFFICIAL USE ONLY

The application of _____ Dated _____, 20____

Is hereby approved (disapproved) and permission granted (refused) for the construction, reconstruction, or alteration of a building and/or accessory structure as set forth on this application.

Reason for approval (refusal) of permit: _____

Proposed use: _____

Variance Granted #

Dated: _____, 20_____

PROPOSED ACTION:

a) Describe Present Use of Property: ☐ One Family ☒ Two Family ☐ Vacant Land ☐ Other (specify)

b) Is the proposed action a: ☐ New Building ☐ Addition ☒ Renovation
☐ Accessory Structure ☐ Garage ☐ Shed ☐ Deck ☐ Pool ☐ Other
☐ Home Occupation:
☐ Accessory Dwelling Unit

Describe the proposed use or construction in detail: CHANGE BACK to Single Family
RENOVATION OF TWO FAMILY DWELLING INTO A SINGLE FAMILY DWELLING

c) Gross Floor Area: Existing: 1600 ± square feet
 Proposed: 1600 ± square feet * NO CHANGE IN SIZE
 Total: 1600 ± square feet

d) Parcel is located in a COR zoning district. (If unknown, verify with Building Department.)

SITE INFORMATION: (DO NOT COMPLETE THIS SECTION IF THERE WILL BE NO EXTERIOR ALTERATION OF THE STRUCTURE/SITE)

Size of lot: 4.50 acre _____ sq. ft.

Is this a corner lot? Yes ☐ No ☒ If yes, corner lot: feet _____ Through lot? Yes ☐ No ☒

Does the parcel front upon a developed public street? Yes ☒ No ☐ If yes, length of frontage on street: feet 170 ±

Building Setbacks:	Existing	Proposed
Front Yard Depth:	feet <u>N/A</u>	feet <u>* NO</u>
Left Side Yard:	feet <u>N/A</u>	feet <u>CHANGE</u>
Right Side Yard:	feet <u>N/A</u>	feet <u>FROM</u>
Rear/Front Yard Depth:	feet <u>N/A</u>	feet <u>EXISTING</u>
Existing Building Height (at peak):	feet _____	stories <u>2</u>
Proposed Height (at peak):	feet _____	stories <u>2</u>

APPROVAL / DISAPPROVAL

DISAPPROVED
 TOWN OF COLONIE
 PLANNING DEPT.

APPROVAL IS VALID FOR 1 YEAR

SIGNATURE: [Signature]

PRINT NAME: Michael Fiacco

DATED: 5/20/25

TITLE IN COMPANY: _____

If DISAPPROVED, an appeal must be taken within sixty days after the filing in the Town Clerk's office of any order, requirement, decision, interpretation or determination, from which the appeal is taken.

FOR OFFICIAL USE ONLY

I, Aime Jackson, Zoning Officer of the Town of Colonie do hereby find that the proposed action as described above, and in any attachments hereto, ☒ IS IN ACCORDANCE ☒ IS NOT IN ACCORDANCE
 with Chapter 190 of the Colonie Land Use Law that are effective as of this date.

Dated: March 21, 2025

[Signature]
 SIGNATURE OF ZONING OFFICER

The proposed modification of a nonconforming two-family dwelling into a single-family dwelling in a Commercial Office Residential (COR) zoning district is not an allowable use as stated in the Town of Colonie Land Use Law Article V, Section 190-18 and Attachment #1 – Table of Permitted Uses and is not permitted as stated in Article VIII, Section 190-34 Nonconforming uses.

Are there easements on the property
 Parcel in/near a floodplain
 Parcel in/near a wetland
 On/near a protected watercourse
 Copy of assessor's card(s) attached
 Copy of County tax map attached
 S. B. L. # 31.8-5-2

Yes ☐ No ☒
 Yes ☐ No ☒
 Yes ☐ No ☒
 Yes ☒ No ☐
 Yes ☒ No ☐
 Yes ☐ No ☒

Is existing use nonconforming
 Variance granted on property
 Subdivision of record on file
 Does the Grandfather Provision apply
 If yes, Pre-1987 ☒ 1987 to 2006 ☐
 Existing Violation or outstanding permit

Yes ☐ No ☒
 Yes ☒ No ☐
 Yes ☐ No ☒
 Yes ☒ No ☐
 Yes ☐ No ☒

YES ☐ NO ☒ VIOLATION – CHAPTER 190-8 - CONSTRUCTION STARTED WITHOUT ZONING/BUILDING PERMIT

You may now file for a:

☒ Building permit application
☐ Application for a Zoning Variance or Interpretation

☐ Special Use Permit (Planning & Economic Development)
☐ Application to Town Board for Open Development Area

**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: May 1, 2025

1. The undersigned, Michael Fiacco, of 251 Troy Schenectady Road (S.B.L. # 31.8-5-2), hereby gives notice of appeal from the decision of the Building Department Director made on the 21st day of March, 2025, 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 modification of a nonconforming two-family dwelling into a single-family dwelling in a Commercial Office Residential (COR) zoning district is not an allowable use as stated in the Town of Colonie Land Use Law Article V, Section 190-18 and Attachment #1 - Table of Permitted Uses and is not permitted as stated in Article VIII, Section 190-34 Nonconforming 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:

This House was originally a single family home. We would like to convert it back to single family.

- 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:

This property was built to be single family in a single family neighborhood

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:

single family

Attached hereto is a plot plan of said property, showing The Single Family House

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):

The property is surrounded by single family homes. To convert it back we have to remove two decks and the upstairs kitchen which is the master bedroom of the house.

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) _____

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 _____

Print Name Michael Fiacco

Address 251 Troy Schenectady Rd
Latham NY 12110

Owner or lessee if other than above

STATE OF
COUNTY OF Albany SS:

Subscribed and sworn to before me this 2nd
day of May, 2025

Diane Bruma
Notary Public, State of New York
No. 01BR4934241
Qualified in Rensselaer County
Commission Expires June 13, 2026

Name _____
Mailing _____
Address _____

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.

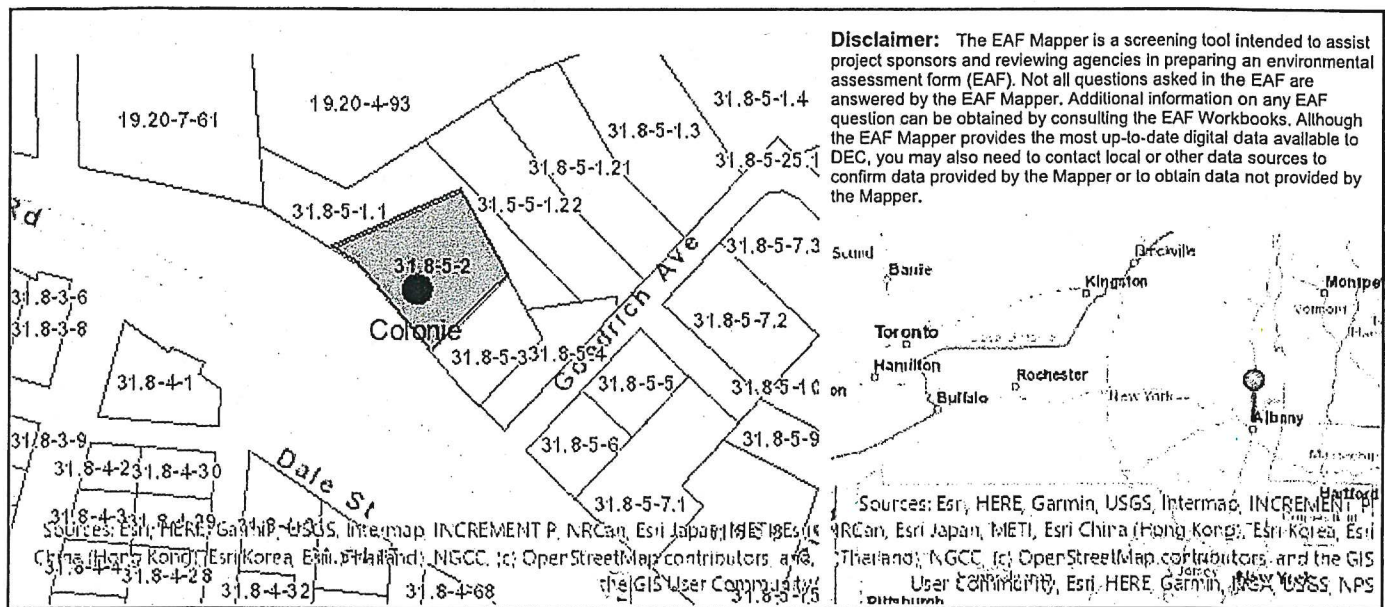
Part 1 – Project and Sponsor Information			
251 Troy Schenectady rd Michael Fiacco			
Name of Action or Project: 251 Troy Schenectady			
Project Location (describe, and attach a location map): 251 Troy Schenectady Rd Latham NY 12110			
Brief Description of Proposed Action: This house was built as a One family. It got converted to a two family all be it a very bad one. The only work needed to convert it back is to remove two doors and the kitchen out of the master bedroom up stairs. Thats the only work that was done to make it a two family.			
Name of Applicant or Sponsor: Michael Fiacco		Telephone: 802 345 7904 E-Mail: mfiacco@oldbrickfurniture.com	
Address: 251 Troy Schenectady Rd			
City/PO: Latham		State: NY	Zip Code: 12110
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO ☒	YES ☐
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☒
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: new windows _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☐	☒	
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?	NO	YES	
	☒	☐	
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?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☒	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

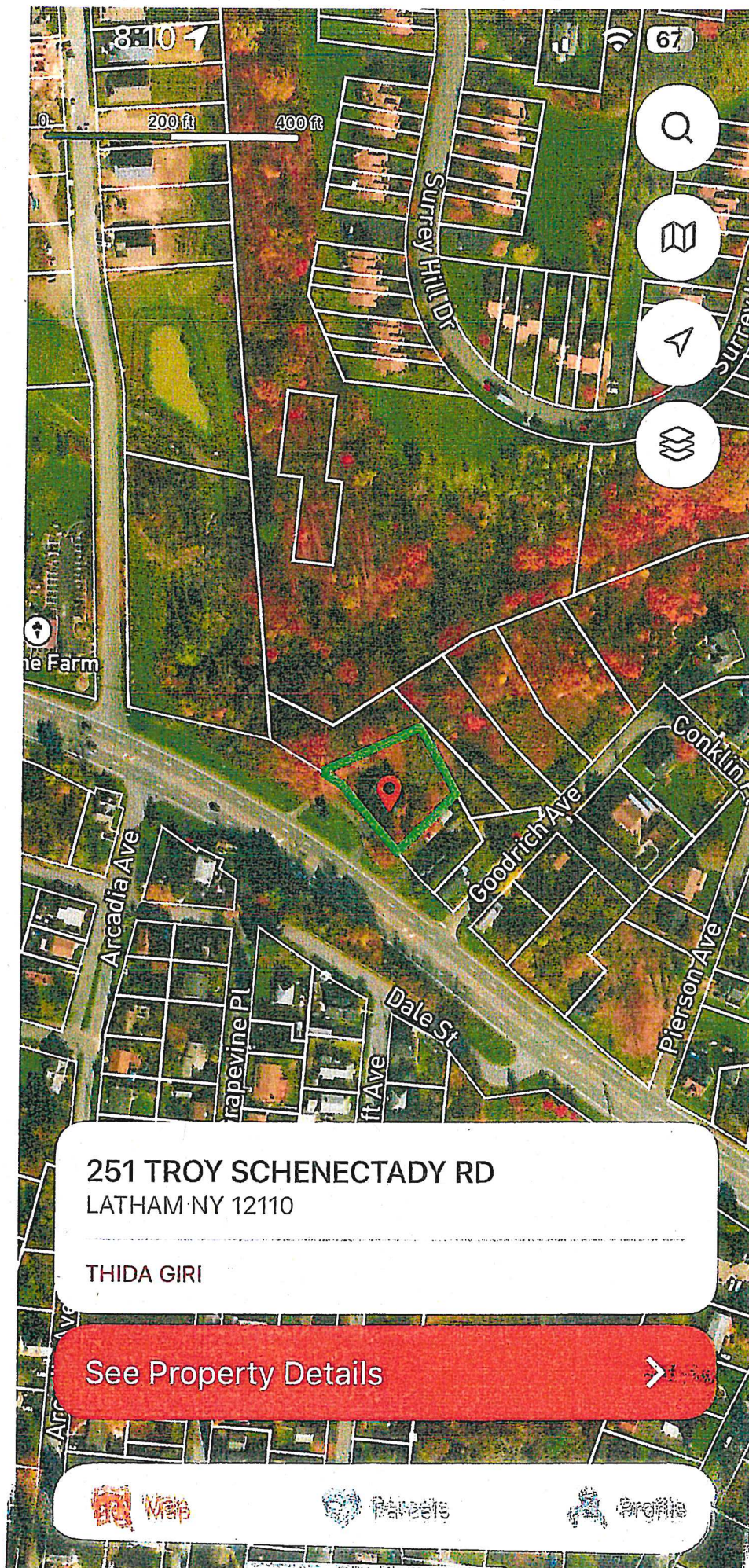
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☒	☐
If Yes, briefly describe: _____ _____		
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)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Michael Fiocco</u> Date: <u>5-2-25</u> Signature: <u>[Signature]</u> Title: <u>Owner</u>		

EAF Mapper Summary Report

Friday, May 2, 2025 1:48 PM



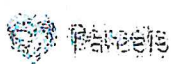
Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

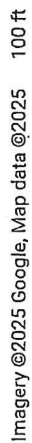


251 TROY SCHENECTADY RD
LATHAM NY 12110

THIDA GIRI

See Property Details





- We would like to convert 251 Troy Schenectady Rd from a 2 family back to it's original form.
- In 2007 This single family home was converted to a two family home. To do this the only work that was done was the following. The owners added a door down stair between the foyer and living room. The second thing that was done was a door was added at the top of the stairs to create the second apartment up stairs. The only other thing done was the made the master bedroom their kitchen. The second floor did not have a living area just a kitchen and two bedrooms.
- Our goal is to remove the two doors and make the master bedroom up stairs back into the bedroom it was. This house only has one electrical/gas service and meter so no other changes will be needed besides what we stated above.



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 **7th day of May 2025, at 7:00 p.m.** to hear the appeal of **Boght-Oakwood Veterinarian Clinic** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **1139 Loudon Road**. The proposed construction of a new 10,800-square-foot veterinary hospital, garage, animal grooming facility, 3-unit apartment building, dog park, and relocated residence with associated parking and driveways in the Commercial Office Residential (COR) zoning district, which is more than 300 feet in depth from the front property line, is not compliant with the requirement of 100-foot setbacks for buildings and 50-foot setbacks for parking lots from a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article VI, Section 190-26 D (1). The proposed commercial building is 84 feet from the boundary line where a minimum 100-foot setback is required and the parking lot is 20 feet from the boundary line where a 50-foot setback is required. The proposed construction of a dumpster enclosure, which is 20 feet from a Single Family Residential (SFR) zoning district is not compliant with the required 100-foot setback from a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article VI, Section 190-26 (2). The proposed construction of a new 4,500-square-foot dog park located 49 feet from the lot line is not compliant with the required 200-foot setback from a lot line or 300-foot setback from a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article VI, Section 190-22 M (b). 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. (Emailed comments must be received at least 24 hours in advance). Such comments will be read and addressed by the Chairman during the hearing. Landlords are strongly encouraged to notify tenants of the contents of this notice.

ZONING BOARD OF APPEALS
PETER R. CROUSE, CHAIRMAN

DATED April 24, 2025