



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: May 31, 2024
To: Members of the Zoning Board of Appeals
From: Chretien T. Voerg, P.E., Director
Subject: **Zoning Board of Appeals Agenda – July 3, 2024**

New Hearings:

- 24-026 15 Edenfield St. – Mia Barbera, Agent for Barbera Homes
- 24-027 104 Sand Creek Rd. – Dominick Ieraci, Agent for Manuel B. Mizhirumbay
- 24-028 22 Natick St. – George Hajnasr
- 24-030 1 Providence Ct. – David Vickers



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Peter R. Crouse
Chairman

Ryan M. Caponera, Esq.
Counsel

TAKE NOTICE, that the Town of Colonie Zoning Board of Appeals will hold a public hearing at the Public Operations Center, 347 Old Niskayuna Rd, Latham, in the Town of Colonie, on the **3rd day of July, 2024, at 7:00 p.m.**, to hear the appeal of **Mia Barbera, Agent for Barbera Homes & Development, Inc.** from the decision of the Building Department Director for the Town of Colonie, denying the applicant a Building Permit for the premises located at **15 Edenfield Street**. The proposed construction of a new Single Family Dwelling with a 35.8 ft. front yard setback is not compliant with the 40 ft. minimum front yard setback required in a Single Family Residential (SFR) Zoning District as stated in the Town of Colonie Land Use Law, Article VI, Section 190-24, 190-25, Attachment #2 – Dimensional Table. The Zoning Board of Appeals will hear the request for variance from the provisions of the Code of the Town of Colonie, Chapter 190 to permit such construction and use, and a SEQOR 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.igm2.com/Citizens/Default.aspx> in your web browser. The public may present comments to the Board in person or by emailing infozba@colonie.org. (emailed comments must be received at least 24 hours in advance). Such comments will be read and addressed by the Chairman during the hearing.

ZONING BOARD OF APPEALS

PETER R. CROUSE, CHAIRMAN

DATED: June 10, 2024

Application for Zoning Verification and Building/Zoning Permit

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. _____

2202400576

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 termination 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: 15 Edenfield Street

Loudonville NY 12211
City State Zip

Property Owner's Name: Barbera Homes & Development, Inc.
(Applicant)

Address: 14 Wade Road

Latham NY 12110
City State Zip

Phone W 518-690-0777 H/Cell

Property Owner's Email: miabarbera@barberahomes.com

Contractor's Business Name:

(insurance must match business name)
Barbera Homes & Development, Inc.

Address: 14 Wade Road

Latham NY 12110
City State Zip

Phone W 518-690-0777 Cell

ESTIMATED COST \$ 320,000 Flr. Area 2681

PERMIT FEE \$ 1,500

(This fee is not refundable)

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

INSURANCE INFORMATION REQUIRED

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 SIGNEE, THE SIGNEE SWEARS THAT
THE PROPOSED WORK IS AUTHORIZED BY THE OWNER AND
THAT THE SIGNEE 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

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: _____

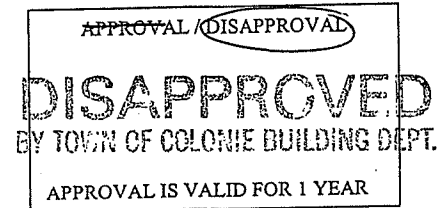
Proposed use: _____

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 UnitDescribe the proposed use or construction in detail: 4 bed/ 3bath/ Colonial/ 2 car garagec) Gross Floor Area: Existing: _____ square feet
Proposed: 2681 square feet
Total: 2681 square feetd) Parcel is located in a SFR 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: .32 acre 13,800 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 66 +/-

Building Setbacks:	Existing	Proposed
Front Yard Depth:	feet _____	feet <u>35.8</u>
Left Side Yard:	feet _____	feet <u>27.5</u>
Right Side Yard:	feet _____	feet <u>27.5</u>
Rear/Front Yard Depth:	feet _____	feet <u>25.5</u>
Existing Building Height (at peak):	feet _____	stories _____
Proposed Height (at peak):	feet <u>34</u>	stories <u>2</u>

SIGNATURE: Christine DickershaidPRINT NAME: Christine DickershaidDATED: 5/20/24TITLE IN COMPANY: Purchasing Agent & Administrative Assistant

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

Dated: 6/4/24

SIGNATURE OF ZONING OFFICER

The proposed construction of a New Single Family Dwelling with a 35.8ft. front yard setback is not compliant with the 40ft minimum front yard setback required in a Single Family Residential (SFR) Zoning District as stated in the Town of Colonie Land Use Law, Article VI, Section 190-24, 190-25, Attachment #2 – Dimensional Table.

Are there easements on the property	Yes ☐ No ☒
Parcel in/near a floodplain	Yes ☐ No ☒
Parcel in/near a wetland	Yes ☐ No ☒
On/near a protected watercourse	Yes ☐ No ☒
Copy of assessor's card(s) attached	Yes ☒ No ☐
Copy of County tax map attached	Yes ☐ No ☒
S. B. L. # _____	

Is existing use nonconforming	Yes ☐ No ☒
Variance granted on property	Yes ☐ No ☒
Subdivision of record on file	Yes ☒ No ☐
Does the Grandfather Provision apply	Yes ☐ No ☒
If yes, Pre-1987 ☐ 1987 to 2006 ☐	
Existing Violation or outstanding permit	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: June 10, 2024

(being) (owner)

1. The undersigned, (representing) the (lessee) of (identify property by lot and block or otherwise) SBL #43.1-4-59 located at 15 Edenfield St. hereby gives notice of appeal from the decision of the (Bldg. Dept. Manager) made on the 4th day of June, 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 New Single Family Dwelling with a 35.8Ft. front yard setback is not compliant with the 40Ft minimum front yard setback required in a Single Family Residential (SFR) Zoning District as stated in the Town of Colonie Land Use Law, Article VI, Section 190-24, 190-25, Attachment #2 – Dimensional Table.

2. Appellant alleges:

a. That there are unusual circumstances and conditions affecting said property that are peculiar to said property and do not apply generally to other property in the vicinity, which circumstances and conditions are as follows:
The Appellant, upon selling a standard model home in the Cold Spring subdivision, learned from its surveyor, VanGuilder & Associates, that there are issues with the filed subdivision plans prepared by Hershberg & Hershberg Engineers. The issues are related to the bearing and distances labeled on the lot lines. The "issues" have not created any other problems to date and the Engineer has corrected the plans and is in the process of working with the town to file the updates. As a result of this error, the front of the house is over the front setback.

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:
As a result of the Engineer's error, the customer, through no fault of theirs, is being unduly affected. In fact, as the Builder, I prepared a lot matrix, attached, at the start of the project, that identifies which houses will fit on each lot, to avoid this very situation.

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:

Because of the facts presented, I am requesting the Zoning Board of Appeals modify the strict application of the front setback requirement to accommodate the proposed setback by changing it from 40 feet to approximately 35 feet and 8 inches. This modification will not adversely impact the neighborhood properties in any manner.

Attached hereto is a plot plan of said property, showing the proposed setback. In addition, enclosed is the following information: 1. Model Matrix prepared by Builder for reference during the sales process; 2. Plot plan showing the corrected shape of lot and setback;

together with 3. Filed map showing shape of lot ** (note the shape of the lot on the filed map is different from the actual shape shown on the revised plot plan)

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): It is my professional opinion that the revised setback will maintain the harmony

of the streetscape and will not negatively impact the aesthetics and value of the surrounding homes. The primary reason is because the house is in a cul-de-sac and the front yard has a radius setback, therefore the revised setback will not be readily apparent. In addition, the revised setback will not change the use, welfare, or public safety of the community, and the variance will serve substantial justice by its granting.

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 Frank Barbera

Address 14 Wade Road

Latham, NY 12110

STATE OF
COUNTY OF

SS:

Owner or lessee if other than above

Subscribed and sworn to before me this _____
day of _____, _____

Name _____
Mailing _____
Address _____

12/10/14

Short Environmental Assessment Form

Part I - Project Information

Instructions for Completing

Part I - Project Information. The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I 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 I. 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 I - Project and Sponsor Information			
Frank Barbera - Barbera Homes & Development, LLC			
Name of Action or Project:			
Cold Spring - Edenfield			
Project Location (describe, and attach a location map):			
15 Edenfield Street, Loudonville, NY 12211			
Brief Description of Proposed Action:			
Modify the strict application of the front setback requirements to accomodate the proposed setback.			
Name of Applicant or Sponsor:		Telephone: 518-690-0777	
Frank Barbera - Barbera Homes & Development, LLC		E-Mail: fbarbera@barberahomes.com	
Address:			
14 Wade Road			
City/PO:		State:	Zip Code:
Latham		NY	12110
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
			☐
			☒
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
			☒
			☐
3. a. Total acreage of the site of the proposed action?		.31	acres
b. Total acreage to be physically disturbed?		N/A	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		20.96	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: Energy Star Homes	☐	☒	
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:	☐	☒
Stormwater Ponds		
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>Frank Barbera</u> Date: <u>6/10/24</u>		
Signature: <u>[Signature]</u> Title: <u>President</u>		

Project: Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

PRINT FORM

Project:

Date:

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

MAP ENTITLED "COLD SPRINGS PROPOSED CLUSTER
SUBDIVISION" DATED AUGUST 1, 2018 PREPARED BY
HERSHBERG & HERSHBERG LAND SURVEYORS AND RECORDED
IN THE ALBANY COUNTY CLERK'S OFFICE AS MAP 14931.

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN UP TO DATE ABSTRACT OF TITLE AND/OR TITLE REPORT AND MAY BE SUBJECT TO WHATEVER STATEMENT OF FACTS THEY MAY REVEAL.

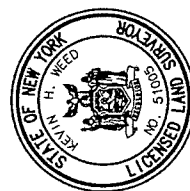
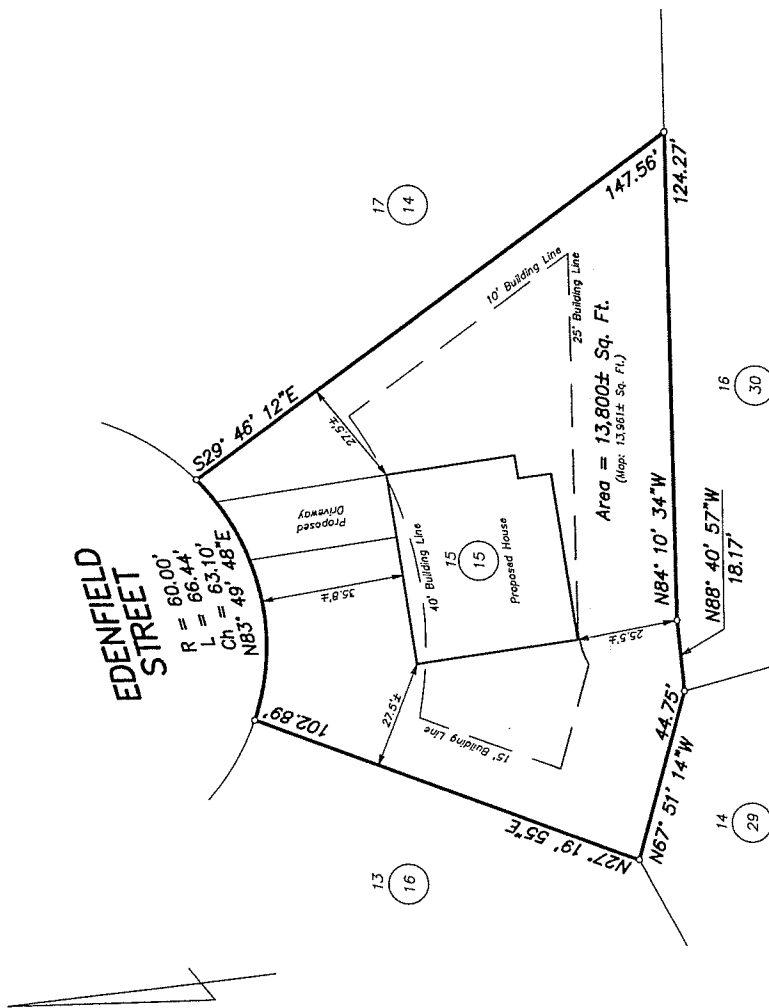
2. NO ATTEMPT WAS MADE TO SHOW UNDERGROUND IMPROVEMENTS IN THE PREPARATION OF THIS SURVEY.
3. ONLY BOUNDARY SURVEY MAPS WITH THE SURVEYWORKS CLOSURES SHALL BE GIVEN THE CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.
4. COPYRIGHT © 2003 BY GILBERT VANDERLINDER AND SURVEYOR, P.L.L.C. ALL RIGHTS RESERVED. REPRODUCTION OR TRANSMISSION IN ANY FORM OR BY ANY MEANS WITHOUT COPYRIGHT LAW UNLESS PERMISSION OF THE AUTHOR AND/OR COPYRIGHT HOLDER IS OBTAINED.
5. OFFSETS OR DIMENSIONS FROM THE PROPERTY LINE TO THE SURVEYED POSITION IT RELATIVE TO THE PROPERTY LINE AND/OR COMPLIANCE WITH ZONING, AND ARE NOT INTENDED TO MONUMENT THE PROPERTY LINES OR GUIDE IN THE ERECTION OF FENCES OR OTHER IMPROVEMENTS TO THE LAND.
6. CENTER LINE ROAD ELEVATION PER MAP REFERENCE.

1. CENTER LINE ROAD ELEVATION PER MAP REFERENCE.

PROPOSED PLOT PLAN
LOT 15
COLD SPRINGS CLUSTER SUBDIVISION
STREET ADDRESS 15 EDENFIELD STREET

TOWN OF COLONIE	ALBANY COUNTY, NEW YORK
SCALE: 1" = 30'	DATE: MAY 14, 2024
TELEPHONE NO.: (518) 393-0634	MAP NO.: 23 - 11 - 18AB

Gilbert VanGuilder
Land Surveyor, PLLC
Professional Land Surveyors
998 Route 146, Clifton Park, New York 12065
gvglandsurveyors.com



Mr. Wood

KEVIN H. WEED, P.L.S. No. 51,005

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7200, SUB-DIVISION 2 OF THE NEW YORK STATE EDUCATION LAW. ONLY COPIES OF THIS SURVEY MAP BEARING THE LAND SURVEYOR'S ORIGINAL SIGNATURE AND EMBOSSED SEAL SHALL BE CONSIDERED VALID.

COLD SPRING | MODEL MATRIX

No.	SALES PHASE	LOT ○	ADDRESS #	STREET	GARAGE HAND	ACADIA 49-6 x 35	JEFFERSON 49-0 x 49-4	KINGSTON 49-0 X 49-0	PRESCOTT 49-6 x 49-6	ONEIDA 52-0 x 40-0	CANTON 38R/48R 49-6 x 33-0	ROOSEVELT 48-0 x 40-0	DAKOTA 38R/48R 52-0 x 47-0	CLINTON 49-0 x 41-0	NAPOLITANO 51-6 x 46-0 48-0 x 53-0
1	1	1	1	Trimble Street	LEFT										
2	1	2	2	Edenfield Street	RIGHT										
3	1	3	4	Edenfield Street	RIGHT										
4	2	4	6	Edenfield Street	RIGHT				SPEC						
5	2	5	8	Edenfield Street	RIGHT										
6	3	6	10	Edenfield Street	RIGHT										
7	3	7	12	Edenfield Street	RIGHT										
8	5	8	14	Edenfield Street	RIGHT										
9	5	9	16	Edenfield Street	RIGHT										
10	6	10		Edenfield Street	RIGHT										
11	6	11		Edenfield Street	RIGHT										
12	7	12		Edenfield Street	RIGHT										
13	7	13		Edenfield Street	PER PLAN										
14	8	14		Edenfield Street	PER PLAN										
15	8	15	15	Edenfield Street	PER PLAN										
16	6	16	13	Edenfield Street	LEFT										
17	5	17	11	Edenfield Street	LEFT										
18	4	18	9	Edenfield Street	LEFT										
19	4	19	7	Edenfield Street	LEFT										
20	9	20	5	Edenfield Street	LEFT										
21	2	21	3	Edenfield Street	LEFT										
22	1	22	1	Edenfield Street	LEFT										
23	1	23	2	Delia Street	RIGHT										
24	2	24	4	Delia Street	RIGHT										
25	3	25	6	Delia Street	RIGHT										
26	4	26	8	Delia Street	RIGHT										
27	4	27	10	Delia Street	RIGHT										
28	5	28	12	Baylor Street	PER PLAN										
29	6	29	14	Delia Street	RIGHT										
30	13	30	16	Delia Street	PER PLAN										
31	13	31	18	Delia Street	RIGHT										
32	12	32	17	Delia Street	PER PLAN										
33	12	33	15	Delia Street	RIGHT										
34	11	34	13	Delia Street	LEFT										
35	11	35	11	Delia Street	LEFT										
36	10	36	9	Delia Street	LEFT										
37	10	37	7	Delia Street	LEFT										
38	9	38	5	Delia Street	LEFT										
39	9	39	3	Delia Street											
40	1	40	3	Trimble Street											

GARAGE HAND | ELEVATION | GRADING | SETBACKS | SUBJECT TO CHANGE BASED ON MODEL AND FIELD CONDITIONS



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

Ryan M. Caponera, Esq.
Counsel

TAKE NOTICE, that the Town of Colonie Zoning Board of Appeals will hold a public hearing at the Public Operations Center, 347 Old Niskayuna Rd, Latham, in the Town of Colonie, on the **3rd day of July, 2024**, at **7:00 p.m.**, to hear the appeal of **Dominick Ieraci, Agent for Manuel B. Mizhirumbay** from the decision of the Building Department Director for the Town of Colonie, denying the applicant a Building Permit for the premises located at **104 Sand Creek Rd.**, The proposal to have outside storage of (4) commercial vehicles within the (NCOR) Neighborhood Commercial Office Residential Zoning District is not permitted and requires a Zoning Variance issued by the Zoning Board of Appeals as stated in the Town of Colonie Land Use Law, Article V & XI Section 190-22 (H) and 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://colonieny.iqm2.com/Citizens/Default.aspx> in your web browser. The public may present comments to the Board in person or by emailing infozba@colonie.org. (Emailed comments must be received at least 24 hours in advance). Such comments will be read and addressed by the Chairman during the hearing.

ZONING BOARD OF APPEALS

PETER R. CROUSE, CHAIRMAN

DATED June 12, 2024



Peter G. Crumme
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

MAY 13 2024

TOC DEPT.
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

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. 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 lifted or further information becomes available at a subsequent date. The officer reserves the right to request further information as deemed necessary. A approval 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 not be submitted if the applicable zoning laws change before the proposed action is completed.

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

GENERAL INFORMATION:

CASE #Z 202400478

Address of site of proposed action:

04 Sand Creek Rd Albany NY 12205
Number Street City State Zip

Manuel B Mizhrumbar
104 Sand Creek Rd Albany NY 12205
Number Street City State Zip

Applicant's phone (W) (Cell) 508-930-6891

Email Address mzh20@icloud.com

Contact person Peter Dominick Teresi

Email Address D.Teresi@kw.com

Phone number (W) (Cell) 518-339-0052

Property owner(s) 518-339-0052

DISAPPROVED
BY TOWN OF COLONIE BUILDING DEPT.

Address
Number Street City State Zip

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

APPLICANT'S PROPOSED ACTION:

Is the proposed action a:

Best Gold Restoration Inc

- ☐ New building ☐ Addition ☒ Renovation ☐ Accessory Structure ☐ Other
☒ New tenant (business name) Small business ☐ (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)

Proposed use (check where applicable):

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

DESCRIBE THE PROPOSED USE IN DETAIL IN A COMPLETE DESCRIPTIVE NARRATIVE.

Small Contractor Home repair, roofing, gutters siding.
Will park 1 dump trailer + 2 work vans on parcel over night.
7am - 7pm off premise work office hours 8-5 M-F

OVER

NOR

01/2023

B

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

May 29, 2024

(being) (owner)

1. The undersigned, (representing) the (lessee) of (identify property by lot and block or otherwise) SBL # 53.12-5-39 located at 104 Sand Creek Rd. hereby gives notice of appeal from the decision of the (Bldg. Dept. Manager) made on the 21st day of May, 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):

Appellant alleges: The proposal to have outside storage of (4) commercial vehicles within the (NCOR) Neighborhood Commercial Office Residential Zoning District is not permitted and requires a Zoning Variance issued by the Zoning Board of Appeals as stated in the Town of Colonie Land Use Law, Article V & XI Section 190-57B and Attachment #1 Table of Permitted Uses.

2.

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:

Single story structure built in 1963 consists of office, attached garage & extensive parking lot. It was previously used as office for Somers Meter Service, Inc since 2007 then as a social club. It is located in mostly residential neighborhood but there is a firehouse at 113 Sand Creek & pizza restaurant at 85 Sand Creek.

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:

NCOR zone permits small contracting business but not outdoor storage or materials used in the trade, machinery or equipment. Applicant intends to store roofing materials inside garage & park vehicles but not machinery or equipment in parking lot.

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:

Up to 3 employee work vans owned by applicant may be parked onsite during work hours but not overnight. 12'-16' dump trailer towed by pickup truck used to deliver roofing materials to customers' homes may be parked onsite pending delivery to jobsites.

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

Up to 3 employee work vans and 1 covered dump trailer attached to pickup will be parked at rear of property. Customer parking in front during business office hours.

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): Property has a long history of usage as office/small

contracting company use. Office will be open only during business hours. This is in keeping with the 60+ year history of this property's use as office/small contracting business.

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) Applicant does not intend to store vehicles in parking lot. Employees come & go in the work vans. Only incidental overnight parking of pickup with covered dump trailer.

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 _____

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			
Manuel B. Mizhirumbay / Best Gold Restoration Inc.			
Name of Action or Project: Purchase property for use as office for small contracting			
Project Location (describe, and attach a location map): 104 Sand Creek Road / SBL 53.12-5-39 Business			
Brief Description of Proposed Action: Purchase property pursuant to contract dated 4/30/24 for office for Best Gold Restoration Inc. presently located at 1425 Central Avenue. Company installs roofs, siding, decks, etc. at customers' homes. Current prop. owner is John Lanza			
Name of Applicant or Sponsor: Manuel B. Mizhirumbay		Telephone: 509 930 6891 E-Mail: mizh19@hotmail.com	
Address: 15 Oakland Avenue			
City/PO: Albany		State: NY	Zip Code: 12205
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?		1.50 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?		1.50 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 NCOR			

		NO	YES	N/A
5. Is the proposed action,				
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	
Pizza shop at BS Sand creek, Firehouse #113		☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES	
SAND CREEK		☒	☐	
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:		☒	☐	

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 plain?	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
<u>For 100 year flood plain. Purpose</u> <u>Map Report 2022</u>	☒	☐
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
<u>IDR Summary Radius Map Report</u> <u>was done in 2022</u>	☒	☐
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		
X Applicant/sponsor name: <u>Dominick Terai</u> Date: <u>6/11/24</u>		
X Signature: <u>Dominick Terai</u> Title: <u>Broker</u>		

PRINT FORM

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Project:
Date:

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<i>Dominick Teran</i>	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

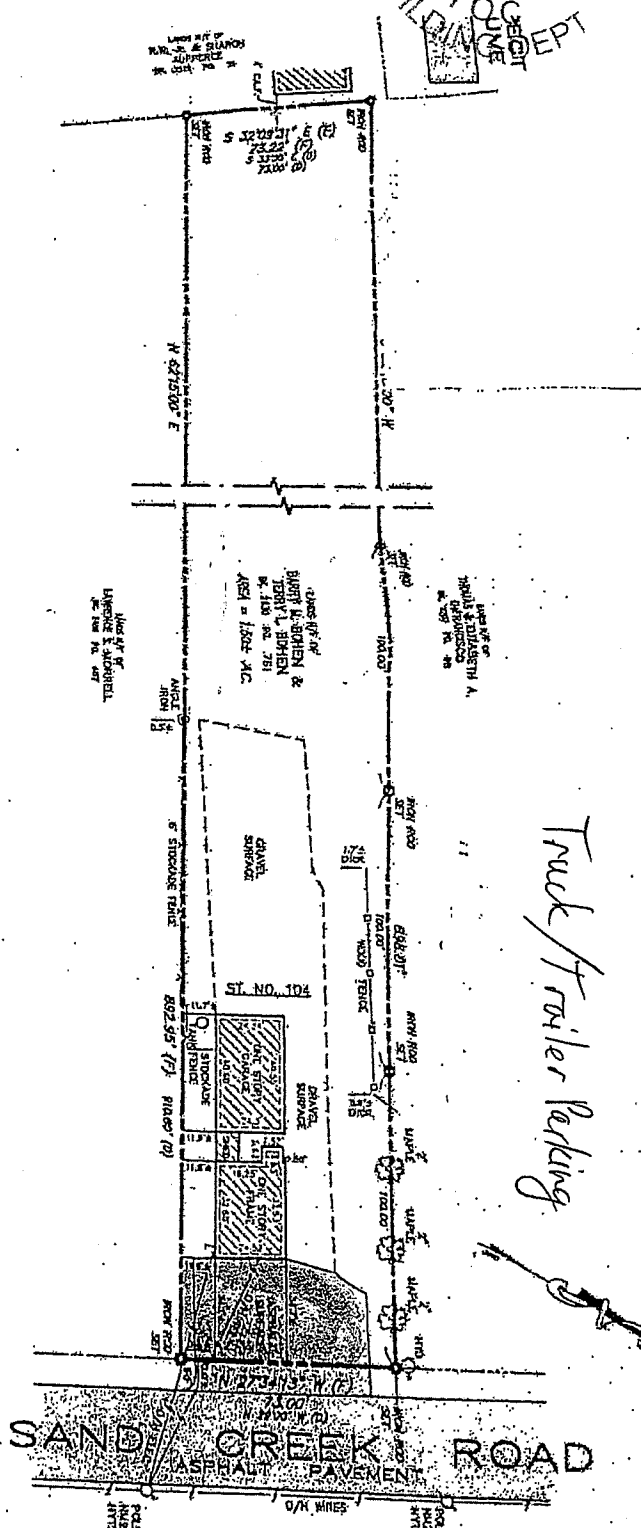
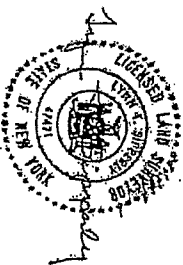
[Handwritten Signature]

PRINT FORM

MAR 13 1953

BUFILE TO REC
RECEIVED

Truck/Trailer Parking

[illegible][illegible]

**SURVEY MAP OF LANDS
OWNED BY
BARRY M. BOHEN &
TERRY L. BOHEN**

COUNTY OF ALBANY.

Polis

12/29/98.

1. General Information

Appendix

INSTRUMENT

NEERS • 51

11

[illegible]

1

6

Journal of Management Inquiry 20(1) 3-14

1001-2000



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

Ryan M. Caponera, Esq.
Counsel

TAKE NOTICE, that the Town of Colonie Zoning Board of Appeals will hold a public hearing at the Public Operations Center, 347 Old Niskayuna Rd, Latham, in the Town of Colonie, on the **3rd day of July, 2024**, at **7:00 p.m.**, to hear the appeal of **George Hajnasr** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **22 Natick St.** The proposed construction of a new 4,000± sq. ft. Single Family Dwelling on a 5,000 sq. ft. lot with a 50 ft. front lot line and 50 ft. lot width at the front building setback line and with a 20 ft. front yard setback and 10 ft. total side yard setback is not compliant with the 12,000 sq. ft. minimum lot size, 75 ft. front lot line, 75 ft. width at the front building setback line, 30 ft. minimum front yard setback, and 14 ft. total side yard setbacks required in a Single Family Residential (SFR) Zoning District as stated in the Town of Colonie Land Use Law, Article VI, Section 190-24, 190-26 (A), Attachment #3 Dimensional Table for Prior Established Lots. 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.

ZONING BOARD OF APPEALS

PETER R. CROUSE, CHAIRMAN

DATED June 13, 2024

Application for Zoning Verification and Building/Zoning Permit

RECEIVED

MAY 17 2024

TOC
BUILDING DEPT.

RESIDENTIAL

TOWN OF COLONIE
Public Operations Center
347 Old Niskayuna Road
Latham, NY 12110-2286Building Department
518-783-2706
Fax 518-783-2772Permit No. Z202400543

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: 22 Natick STREETALBANY NY 12205Property Owner's Name: GEORGE HAJNAR
(Applicant)Address: 53 FAIRFIELD AVE APT. BALBANY NY 12205Phone W 518-495-4011 H/CellProperty Owner's Email: GHN678@GMAIL.COMContractor's Business Name:
(Insurance must match business name)

Address:

City State Zip

Phone W Cell

ESTIMATED COST \$ 150,000 Flr. Area

PERMIT FEE \$

(This fee is not refundable)

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

INSURANCE INFORMATION REQUIRED

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 ☐ CB-200

Contractor's General Liability

Insured's Name
(must match business name)

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.

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

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: SINGLE FAMILY DWELLING

c) Gross Floor Area: Existing: _____ square feet
Proposed: 4,000 square feet
Total: _____ square feet

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

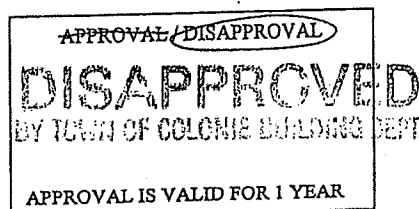
SITE INFORMATION: (DO NOT COMPLETE THIS SECTION IF THERE WILL BE NO EXTERIOR ALTERATION OF THE STRUCTURE/SITE)

Size of lot: _____ acre 5,000 ± 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 _____

Building Setbacks:	Existing	Proposed
Front Yard Depth:	feet _____	feet <u>20</u>
Left Side Yard:	feet _____	feet <u>5</u>
Right Side Yard:	feet _____	feet <u>5</u>
Rear/Front Yard Depth:	feet _____	feet <u>30</u>
Existing Building Height (at peak):	feet _____	stories _____
Proposed Height (at peak):	feet <u>40</u>	stories <u>2</u>



SIGNATURE: _____

PRINT NAME: GEORGE HADNASR

DATED: 5/17/24

TITLE IN COMPANY: OWNER

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

Dated: 9/20/22

[Signature]
SIGNATURE OF ZONING OFFICER

The proposed construction of a new 4,000± Sq. Ft. Single Family Dwelling on a 5,000 Sq. Ft. lot with a 50 Ft. front lot line and 50 Ft. lot width at the front building setback line with a 20 Ft. front yard setback and 10 Ft. total side yard setbacks is not compliant with the 12,000 Sq. Ft. minimum lot size, 75 Ft. front lot line, 75 Ft. width at the front building setback line, 30 Ft. minimum front yard setback, and 14 Ft. total side yard setbacks required in a Single Family Residential (SFR) Zoning District as stated in the Town of Colonie Land Use Law, Article VI, Section 190-24, 190-26 (A), Attachment#3 Dimensional Table for Prior Established Lots.

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. # _____

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

Is existing use nonconforming
Variance granted on property 22-050
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 ☒

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

May 31, 2024

(being) (owner)
1. The undersigned, (representing) the (lessee) of (identify property by lot and block or otherwise) SBL # 53.11-7-63 located at 22 Natick St. hereby gives notice of appeal from the decision of the (Bldg. Dept. Manager) made on the September 20, 2022 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):

2. The proposed construction of a new 4,000± Sq. Ft. Single Family Dwelling on a 5,000 Sq. Ft. lot with a 50 Ft. front lot line and 50 Ft. lot width at the front building setback line with a 20 Ft. front yard setback and 10 Ft. total side yard setbacks is not compliant with the 12,000 Sq. Ft. minimum lot size, 75 Ft. front lot line, 75 Ft. width at the front building setback line, 30 Ft. minimum front yard setback, and 14 Ft. total side yard setbacks required in a Single Family Residential (SFR) Zoning District as stated in the Town of Colonie Land Use Law, Article VI, Section 190-24, 190-26 (A), Attachment#3 Dimensional Table for Prior Established Lots.

1. 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:

THE LOT IS SIMILAR IN SIZE TO OTHER LOTS AROUND IT
WITH A SINGLE FAMILY HOME ON THEM. THE RATIO OF THE
PROPOSED HOME SIZE TO THE LOT SIZE IS SIMILAR TO THOSE IN THE 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:

WITHOUT AN AREA VARIANCE, WE WOULD NOT
BE ABLE TO BUILD A HOME ON THIS PROPERTY.

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:

would like to propose the dimensions represented on
the Land Survey Attached - 5 FT Side Setbacks - 30 FT Rear Setback
20 FT FRONT SETBACK

attached hereto is a plot plan of said property, showing THE SIZE OF THE LOT

gether with THE SIZE OF THE PROPOSED STRUCTURE.

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 HOME FACADE WILL LOOK VERY
SIMILAR TO OTHER HOMES IN THE NEIGHBORHOOD. ADDITIONALLY THE SIZE OF
PROPOSED HOME COMPARED TO THE SIZE OF THE LOT WOULD BE
COMPARABLE TO NEIGHBORING HOMES.

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)

ALEXIS B ZEH
Notary Public, State of New York
Qualified in Schoenectady County
Reg. No. 01ZE643993
Commission Expires November 14, 2026

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 GEORGE HAJNAR
Address 53 B FAIRFIELD AVE
ALBANY - NY 12205

STATE OF New York
COUNTY OF Albany

SS:

Owner or lessee if other than above

Subscribed and sworn to before me this 10th
of June, 2024
[Signature]

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			
Name of Action or Project: GEORGE HAJNASR			
Project Location (describe, and attach a location map): HOME AT 22 NATICK STREET			
Brief Description of Proposed Action: 22 NATICK ST. ALBANY NY 12205			
we would like to Build a Home on this lot.			
Name of Applicant or Sponsor:		Telephone: 518-495-4011	
GEORGE HAJNASR		E-Mail: GH678@GMAIL.COM	
Address: 53B FAIRFIELD AVE			
City/PO:	State:	Zip Code:	
ALBANY	NY	12205	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
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.		☒	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval: TOWN OF COLONIE ZONING BOARD		☐	☒
3. a. Total acreage of the site of the proposed action?		.11 acres	
b. Total acreage to be physically disturbed?		.046 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.11 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: _____ _____	☐	☒	
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>GEORGE HAJNASR</u> Date: <u>6/10/2024</u> Signature: <u>[Signature]</u> Title: <u>OWNER</u>		

Project:

Date:

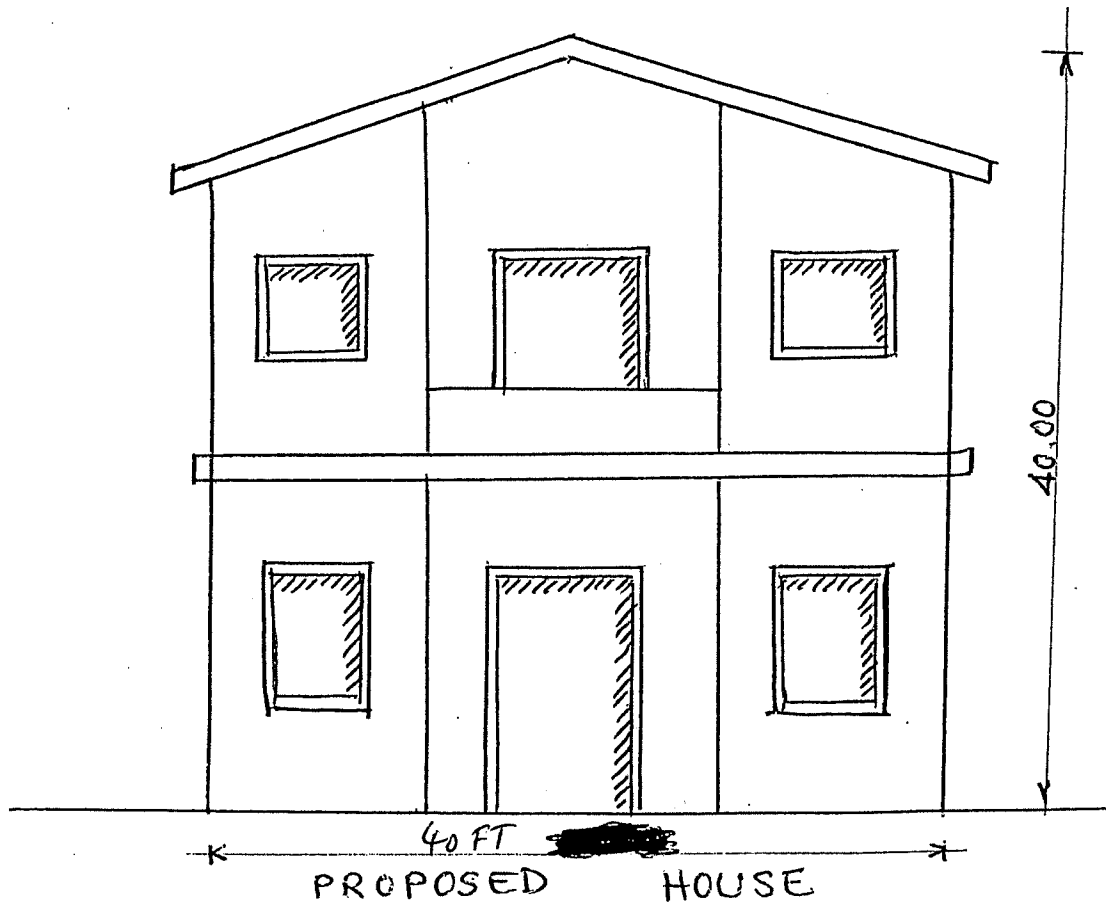
Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

08/24/2022



ELEVATION

PROPERTY # 22 NATICK ST
ALBANY, NY 12205



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

Ryan M. Caponera, Esq.
Counsel

TAKE NOTICE, that the Town of Colonie Zoning Board of Appeals will hold a public hearing at the Public Operations Center, 347 Old Niskayuna Rd, Latham, in the Town of Colonie, on the **3rd day of July, 2024, at 7:00 p.m.**, to hear the appeal of **David Vickers** from the decision of the Building Department Director for the Town of Colonie, denying the applicant a Building Permit for the premises located at **1 Providence Ct.** The proposed construction of an 18 ft. x 40 ft. inground pool with a 113 ft. front yard setback and 16 ft. x 32 ft. shed with a 73 ft. front yard setback in a front yard on a corner lot is not compliant with the prohibition of an accessory structure in a front yard in a Single Family Residential (SFR) Zoning District as stated in the Town of Colonie Land Use Law, Article VI, Section 190-24, 190-26 (C) (4), Attachment #3 – Dimensional Table for Prior Established Lots. 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.igm2.com/Citizens/Default.aspx> in your web browser. The public may present comments to the Board in person or by emailing infozba@colonie.org. (emailed comments must be received at least 24 hours in advance). Such comments will be read and addressed by the Chairman during the hearing.

ZONING BOARD OF APPEALS

PETER R. CROUSE, CHAIRMAN

DATED: June 17, 2024

Application for Zoning Verification and Building/Zoning Permit
RESIDENTIAL
TOWN OF COLONIE
 Public Operations Center
 347 Old Niskayuna Road
 Latham, NY 12110-2286

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

RECEIVED
 MAY 24 2024
 TOC
 BUILDING DEPT.

Permit No. 7702400638

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 termination 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: 1 Providence Court

Cohoes NY 12047
 City State Zip

Property Owner's Name: David Vickers
 (Applicant)

Address: 1 Providence Court

Cohoes NY 12047
 City State Zip

Phone W 518-391-857 H/Cell 585-330-3460

Property Owner's Email: dvickers1@gmail.com

Contractor's Business Name:
 (Insurance must match business name)

Dutch Country Connections

Address: 4459 Western Turnpike

Altamont NY 12009
 City State Zip

Phone W 518-595-0016 Cell _____

ESTIMATED COST \$ 17,000 Flr. Area _____

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

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

INSURANCE INFORMATION REQUIRED

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

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: 16' x 32' GARAGE SHED

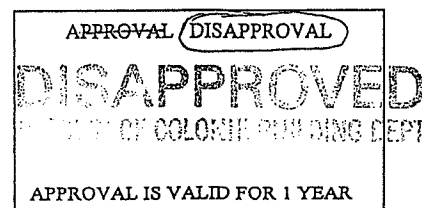
c) Gross Floor Area: Existing: _____ square feet
 Proposed: 512 square feet
 Total: _____ square feet

d) Parcel is located in a SFR 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: .67 acre 29,012 sq. ft.Is this a corner lot? Yes ☒ No ☐ If yes, corner lot: feet 124.48 ± Through lot? Yes ☐ No ☒Does the parcel front upon a developed public street? Yes ☒ No ☐ If yes, length of frontage on street: feet 144.51 ±

Building Setbacks:	Existing	Proposed
Front Yard Depth: (PROVIDENCE) feet	<u>42'</u>	feet <u>120 ±</u>
Left Side Yard: feet	<u>100 ±</u>	feet <u>100 ±</u>
Right Side Yard: feet	<u>80 ±</u>	feet <u>5 (MIN)</u>
Rear/Front Yard Depth: (BERGEN WOODS) feet	<u>101'</u>	feet <u>73 ±</u>
Existing Building Height (at peak): feet	<u>N/A</u>	stories <u>2</u>
Proposed Height (at peak): feet	<u>14'</u>	stories <u>1</u>

SIGNATURE: [Signature]PRINT NAME: David VianelloDATED: 5/24/24

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

Dated: 6/14/24
[Signature]
 SIGNATURE OF ZONING OFFICER

The proposed construction of an 18 ft. x 40 ft. inground pool with a 113 ft. front yard setback and 16 ft. x 32 ft. with a 73 ft. front yard setback in a front yard on a corner lot is not compliant with the prohibition of an accessory structure in a front yard in a Single Family Residential (SFR) Zoning District as stated in the Town of Colonie Land Use Law, Article VI, Section 190-24, 190-26 (C) (4), Attachment #3 – Dimensional Table for Prior Established Lots.

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. # _____

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 ☒

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

Application for Zoning Verification and Building/Zoning Permit

RECEIVED
5/24

MAY 24 2024

BUILDING DEPT.

RESIDENTIAL

TOWN OF COLONIE
Public Operations Center
347 Old Niskayuna Road
Latham, NY 12110-2286Building Department
518-783-2706
Fax 518-783-2772Permit No. Z 2024 60637

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.

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

Address of Site: 1 Providence Court

Cohoes NY 12047
City State Zip

Property Owner's Name: David VickersApplicant's Address: 1 Providence Court

Cohoes NY 12047
City State Zip

Phone W (518) 391-8571 H/Cell (518) 330-3460Property Owner's Email: dvickers1@gmail.comContractor's Business Name: Dave Burnett

Insurance must match business name)

ExcavatingAddress: 14 Aspinwell Road

Albany NY 12211
City State Zip

Phone W _____ Cell 518-857-1023ESTIMATED COST \$ 100,000 Flr. Area 720

PERMIT FEE \$ _____

(This fee is not refundable)

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

INSURANCE INFORMATION REQUIRED

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)

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SEE PERMIT CARD FOR INSPECTIONS NEEDED

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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 UnitDescribe the proposed use or construction in detail: 18' x 40' INGROUND POOL W/ ENCLOSURE TO
C.O.D.c) Gross Floor Area: Existing: _____ square feet
Proposed: _____ square feet
Total: _____ square feetd) Parcel is located in a SFR 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: .07 acre 24,372 sq. ft.Is this a corner lot? Yes ☒ No ☐ If yes, corner lot: feet 124.48 Through lot? Yes ☐ No ☒Does the parcel front upon a developed public street? Yes ☒ No ☐ If yes, length of frontage on street: feet 144.51

Building Setbacks:

Existing

Proposed

Front Yard Depth: (PROVIDENCE) feet 42feet 93Left Side Yard: feet 15.8feet 31Right Side Yard: feet 60feet 33Rear/Front Yard Depth: (BERGEN WA 197) feet 101feet 113Existing Building Height (at peak): feet N/Astories 2Proposed Height (at peak): feet —stories —APPROVAL DISAPPROVAL**DISAPPROVED**
BY TOWN OF COLONIE BUILDING DEPT.

APPROVAL IS VALID FOR 1 YEAR

SIGNATURE: David WilliamsPRINT NAME: David WilliamsDATED: 5/24/24

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, L.S. MARSH, 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: 5/14/24

SIGNATURE OF ZONING OFFICER

The proposed construction of an 18 ft. x 40 ft. inground pool with a 113 ft. front yard setback and 16 ft. x 32 ft. garage with a 73 ft. front yard setback in a front yard on a corner lot is not compliant with the prohibition of an accessory structure in a front yard in a Single Family Residential (SFR) Zoning District as stated in the Town of Colonie Land Use Law, Article VI, Section 190-24, 190-26 (C) (4), Attachment #3 – Dimensional Table for Prior Established Lots.

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. # _____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 permitYes ☐ No ☒
Yes ☐ No ☒
Yes ☐ No ☒
Yes ☐ No ☒
Yes ☐ No ☒
Yes ☐ No ☒YES ☐ NO ☒ VIOLATION – CHAPTER 190-8 - CONSTRUCTION STARTED WITHOUT ZONING/BUILDING PERMIT

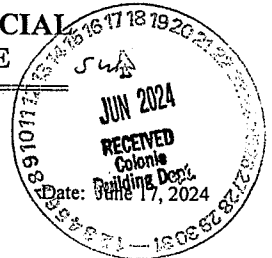
You may now file for a:

☐ 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



(being) (owner)

1. The undersigned, (representing) the (lessee) of (identify property by lot and block or otherwise) SBL #9.2-5-21 located at 1 Providence Ct. hereby gives notice of appeal from the decision of the (Bldg. Dept. Manager) made on the 24th day of May, 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 an 18 ft. x 40 ft. inground pool with a 113 ft. front yard setback and 16 ft. x 32 ft. shed with a 73 ft. front yard setback in a front yard on a corner lot is not compliant with the prohibition of an accessory structure in a front yard in a Single Family Residential (SFR) Zoning District as stated in the Town of Colonie Land Use Law, Article VI, Section 190-24, 190-26 (C) (4), Attachment #3 – Dimensional Table for Prior Established Lots.

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:

We have a corner lot with a large side/front yard on Bergen Woods Drive

- 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:

Placing the pool and shed directly behind the house would be too crowded.

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:

We are requesting to install a pool and a shed in the front yard of our corner lot near Bergen Woods Drive.

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): Standard shed and pool

will match others within the neighborhood and visually will be similar to the home.

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) _____

PAULA J JIMENEZ
Notary Public - State of New York
No. 01J16432419
Qualified in Rensselaer County
My Commission Expires May 02, 2026

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 David O. Vickers
Print Name David O. Vickers
Address 1 Providence Ct.
Colonie, NY 12047

STATE OF NEW YORK
COUNTY OF ALBANY SS:

Owner or lessee if other than above

Subscribed and sworn to before me this 17
day of JUNE, 2024

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			
Name of Action or Project: Vickers Shed / Pool			
Project Location (describe, and attach a location map): 1 Providence Court, Cohoes, NY 12047			
Brief Description of Proposed Action: Pool: 18' x 40' Inground with enclosure to code Shed: 18' x 32' Shed			
Name of Applicant or Sponsor: David Vickers		Telephone: (585) 330-3460 E-Mail: dvickers1@gmail.com	
Address: 1 Providence Ct., Cohoes, NY 12047			
City/PO: Cohoes		State: New York	Zip Code: 12047
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? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.67 acres 16.00 1 acres SF .67 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: _____ _____	☐	☒	
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>David Vickers</u> Date: <u>6/17/24</u>		
Signature: <u>[Signature]</u> Title: _____		

PRINT FORM

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

PRINT FORM

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

6/13/24

David Vickers Shed ! Pool location

1 Providence Ct. 12047

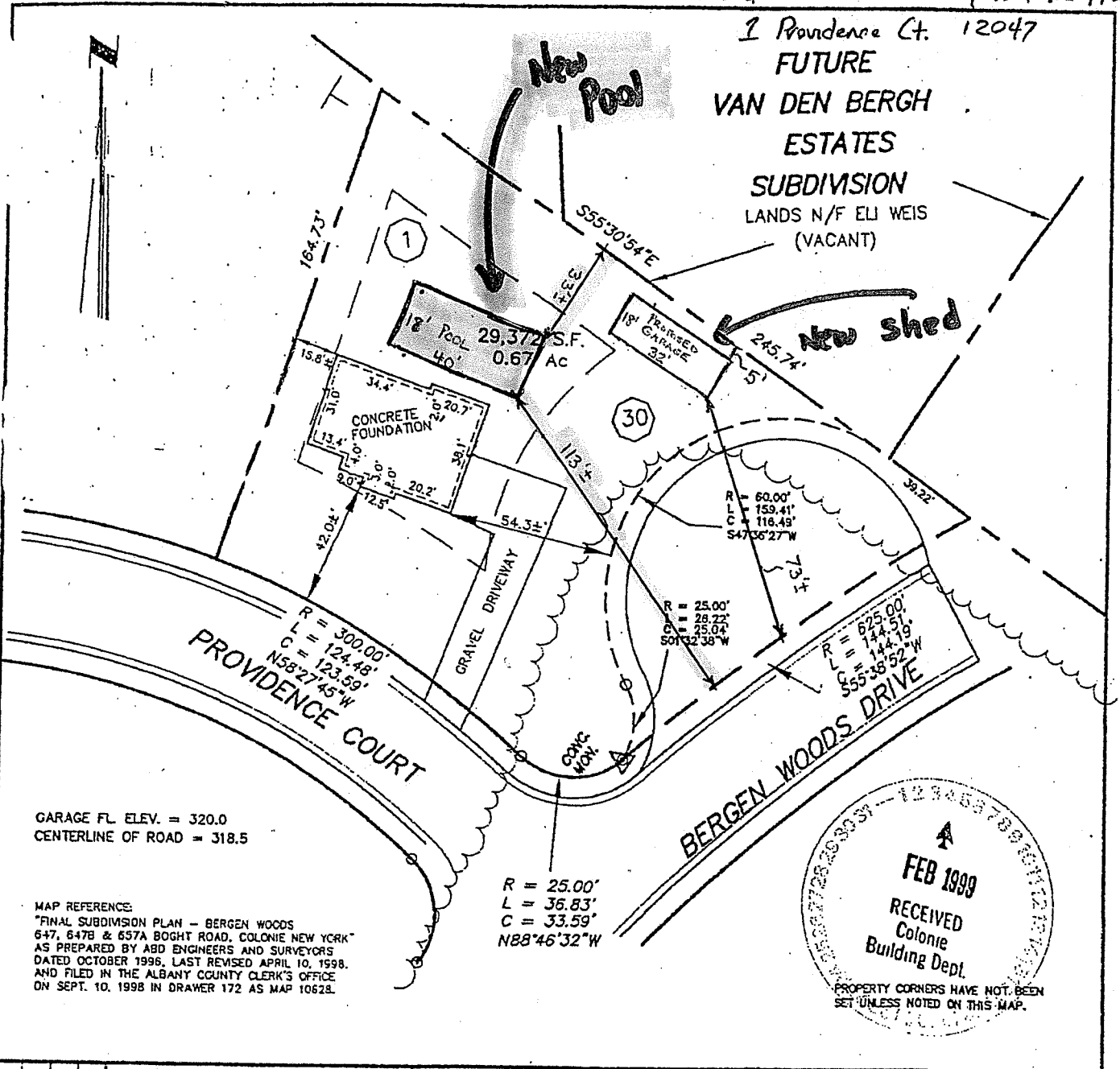
FUTURE

VAN DEN BERGH

ESTATES

SUBDIVISION

LANDS N/F ELI WEIS
(VACANT)



FOUNDATION LOCATION LOT 1 PROVIDENCE COURT BERGEN WOODS SUBDIVISION

TOWN OF COLONIE

COUNTY OF ALBANY

STATE OF NEW YORK

ABD ENGINEERS
SURVEYORS

411 Union Street Schenectady, N.Y. 12305
518-377-0315 Fax. 518-377-0379

DATE:
FEBRUARY 1999

SCALE:
1" = 50'

DWG.
1811-1PC

SHEET OF
1 1

DATE

BY

REVISION

NO.

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MICHAEL J. DAVIS, P.L.S.
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