



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: July 1, 2025
To: Members of the Zoning Board of Appeals
From: Chretien T. Voerg, P.E., Director
Subject: **Zoning Board of Appeals Agenda – July 16, 2025**

New Hearings:

25-018 15 Edenfield Street – Chigozie Nwosu
25-019 237 Forts Ferry Road – Robert & Donna Ensign
25-020 350 Watervliet Shaker Road – Bryan Diliberto



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Peter R. Crouse
Chairman

TAKE NOTICE that the Town of Colonie Zoning Board of Appeals will hold a public hearing at the Public Operations Center, 347 Old Niskayuna Road, Latham, in the Town of Colonie, on the **16th day of July 2025, at 7:00 p.m.** to hear the appeal of **Chigozie Nwosu** 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 15-foot by 24-foot deck with a 10.6-foot rear yard setback is not complaint with the 25-foot minimum required setback in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article VI, Sections 190-24, 190-25, and 190 Attachment #2 – Dimensional Table. The Zoning Board of Appeals will hear the request for variance from the provisions of the Code of the Town of Colonie, Chapter 190 to permit such construction and use and a SEQR Determination for such appeal. The public may view and listen to the Zoning Board of Appeals hearing on the Town's website by typing <https://colonieny.iqm2.com/Citizens/Default.aspx> in your web browser. The public may present comments to the Board in person or by emailing infozba@colonie.org. (Emailed comments must be received at least 24 hours in advance). Such comments will be read and addressed by the Chairman during the hearing. Landlords are strongly encouraged to notify tenants of the contents of this notice.

**ZONING BOARD OF APPEALS
PETER R. CROUSE, CHAIRMAN**

DATED July 1, 2025

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

TOC
BUILDING DEPT.

Permit No. Z 2025 00585

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: 15 Edenfield Street
Loudonville NY 12211
City State Zip

Property Owner's Name: Chigazie Nwosu
(Applicant)

Address: 15 Edenfield Street
Loudonville NY 12211
City State Zip

Phone W 518 463 429 H/Cell 5

Property Owner's Email: nwosu2cc@gmail.com

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

Address: _____

City State Zip
Phone W _____ Cell _____

ESTIMATED COST \$ _____ Flr. Area 360

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.

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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: 15' by 24' deck

c) Gross Floor Area: Existing: _____ square feet
Proposed: 360 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 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 66.44

Building Setbacks:

Existing

Proposed

Front Yard Depth: feet 35.4

feet N/A

Left Side Yard: feet 27.6

feet 80±

Right Side Yard: feet 27.5

feet 50±

Rear/Front Yard Depth: feet 25.6

feet 10.6

Existing Building Height (at peak): feet _____

stories 2

Proposed Height (at peak): feet 3

stories 1

APPROVAL ~~DISAPPROVAL~~

DISAPPROVED
BY TOWN OF COLONIE BUILDING DEPT.

APPROVAL IS VALID FOR 1 YEAR

SIGNATURE: [Signature]

PRINT NAME: Chigozie Nwosu

DATED: 6/9/25

TITLE IN COMPANY: _____

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

FOR OFFICIAL USE ONLY

I, 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: 6/9/25

[Signature]
SIGNATURE OF ZONING OFFICER

The proposed construction of a 15-foot by 24-foot deck with a 10.6-foot rear yard setback is not compliant with the 25-foot minimum required setback in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article VI, Sections 190-24, 190-25, and 190 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. # 43.1-4-59

Is existing use nonconforming Yes ☐ No ☒
Variance granted on property 24-02G 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

RECEIVED
JUN 11 2025

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 11, 2025

1. The undersigned, Chigozie Nwosu, of 15 Edenfield Street (S.B.L. # 43.1-4-59), hereby gives notice of appeal from the decision of the Building Department Director made on the 9th day of June, 2025, in refusing to issue a Building and Zoning Permit on the grounds that the same would be in violation of the provisions of the Code of the Town of Colonie for the following reason(s):

The proposed construction of a 15-foot by 24-foot deck with a 10.6-foot rear yard setback is not compliant with the 25-foot minimum required setback in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article VI, Sections 190-24, 190-25, and 190 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:

My property is not very deep
It's situated in a cul-de-sac.

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:

If my deck is smaller, I can use it.
I can't acquire more property because I don't have the space.

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:

I specifically want to construct a 15-foot by 24-foot deck with a 10.6-foot rear yard setback.

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):

My deck will be situated in my backyard and it's open. It's a standard deck with natural material. It's not going to obstruct or cause any disturbance to anyone or my neighbors.

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 Chigozie Nwosu

Address 15 Edenfield Street
Loudonville NY 12211

STATE OF
COUNTY OF

SS:

Owner or lessee if other than above

Subscribed and sworn to before me this 24th day of June, 2025

Name

Mailing

Address

Victoria Normandin
Notary Public State of New York
Qualified in Albany County #01906190776
Commission Expires 06/04/2028

Short Environmental Assessment Form

Part 1 - Project Information

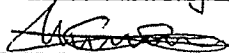
Instructions for Completing

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 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 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.

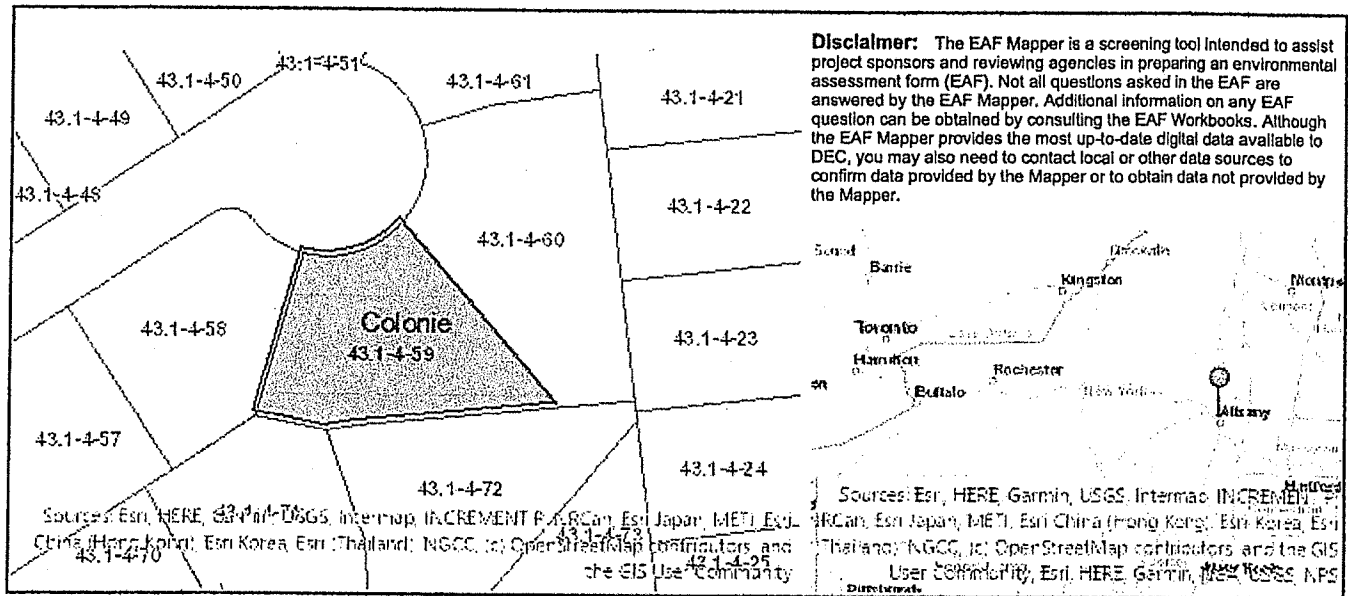
Part 1 – Project and Sponsor Information			
CHIGOZIE NWOSU REAR YARD DECK			
Name of Action or Project: REAR YARD DECK			
Project Location (describe, and attach a location map): 15 EDENFIELD STREET, LOUDONVILLE, NY 12211. ALBANY COUNTY. TAX PARCEL ID 43.1-4-59			
Brief Description of Proposed Action: CONSTRUCTION OF A 15FT BY 24FT DECK IN OUR REAR YARD WITH A 10.6FT REAR YARD SETBACK. A STAIRCASE ON EACH SIDE OF THE DECK. DECK HEIGHT OF 2.5FT.			
Name of Applicant or Sponsor: CHIGOZIE NWOSU		Telephone: (518) 443-9429 E-Mail: nwosu2cc@gmail.com	
Address: 15 EDENFIELD STREET			
City/PO: LOUDONVILLE		State: NEW YORK	Zip Code: 12211
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?		0.3168 acres	
b. Total acreage to be physically disturbed?		0.0066 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.3168 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: IT DOES NOT EXCEED THE STATE ENERGY CODE REQUIREMENT	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ IT DOES NOT NEED WATER SUPPLY	☒	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ IT DOES NOT NEED 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, 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:	NO	YES
	☒	☐
	☒	☐
	☒	☐
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>Chigozie Nwosu</u> Date: <u>6/25/25</u> Signature: <u></u> Title: <u>Property Owner</u>		

EAF Mapper Summary Report

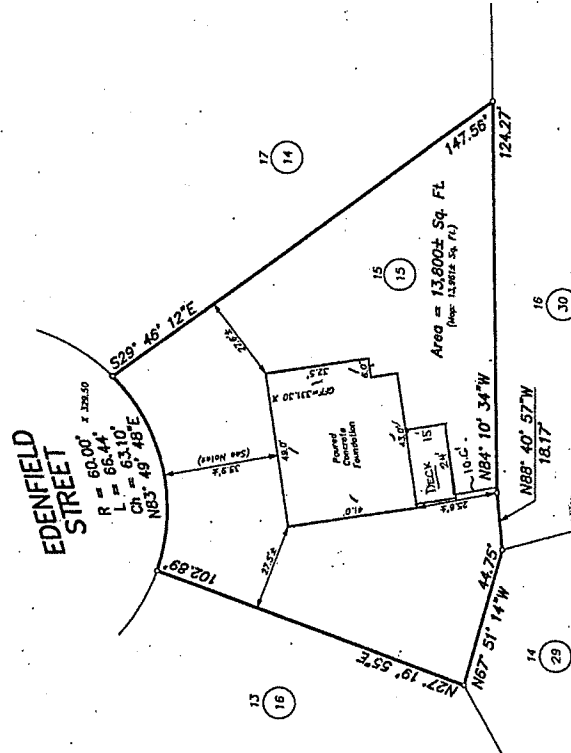
Tuesday, June 24, 2025 4:13 PM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

MAP ENTRANCE:
THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN EXISTING SURVEY MAP. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE ALBANY COUNTY CLERK'S OFFICE AS MAP 1431.

- NOTES:**
1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN EXISTING SURVEY MAP. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE ALBANY COUNTY CLERK'S OFFICE AS MAP 1431.
 2. NO ATTEMPT WAS MADE TO SHOW UNDERGROUND IMPROVEMENTS IN THE PREPARATION OF THIS SURVEY.
 3. ONLY EXISTING SURVEY MAPS WITH THE SURVEYOR'S SIGNATURE AND SEAL ARE VALID. THE SURVEYOR'S ORIGINAL WORK AND OPINION.
 4. COPYRIGHT © 2024 BY GILBERT VANGUILDER LAND SURVEYOR, PLLC. ALL RIGHTS RESERVED. REPRODUCTION OR TRANSMISSION IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR, IS PROHIBITED.
 5. OFFERS OR DIMENSIONS FROM THE PROPERTY LINE TO THE CENTER LINE OF A ROAD OR HIGHWAY ARE NOT INTENDED TO BE A GUARANTEE OF THE LOCATION OF THE ROAD OR HIGHWAY. THE LOCATION OF THE ROAD OR HIGHWAY IS THE RESPONSIBILITY OF THE ROAD OR HIGHWAY DEPARTMENT.
 6. CENTER LINE ROAD ELEVATION PER MAP REFERENCE.
 7. VARIANCE GRANTED BY TOWN OF COLONIE ZONING BOARD OF APPEALS ON JULY 2, 2024.



Foundation Location - 8/29/24
Survey Records - 1/25/24

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) 383-0834 MAP NO.: 23 - 11 - 184B

Gilbert Vanguilder
Land Surveyor, PLLC
Professional Land Surveyors
988 Route 146, Clifton Park, New York 12065
gylandsurveyors.com



Kevin H. Weed

KEVIN H. WEED, P.L.S. No. 51005

NO GUARANTEE OF ACCURACY OR VALIDITY OF THIS SURVEY. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE ALBANY COUNTY CLERK'S OFFICE AS MAP 1431. THE SURVEYOR'S ORIGINAL WORK AND OPINION SHALL BE CONSIDERED VALID.



Peter G. Crummey
Town Supervisor

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Chairman

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ZONING BOARD OF APPEALS
PETER R. CROUSE, CHAIRMAN

DATED July 1, 2025

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 14 2025

Permit No. Z2025 00259

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

Address of Site: 237 Forts Ferry Road

Latham NY 12110
City State Zip

Property Owner's Name: Robert & Donna Ensign

(Applicant)

Address: 237 Forts Ferry Road

Latham NY 12110
City State Zip

Phone W H/Cell 518 810 2549Property Owner's Email: ensignautobody@aol.com

Contractor's Business Name: _____

(Insurance must match business name)

Address: _____

City State Zip

Phone W _____ Cell _____

ESTIMATED COST \$ _____ Flr. Area 4,625+/-

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 SIGNER, THE SIGNED SWEARS THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER AND THAT THE SIGNER IS AUTHORIZED TO MAKE SUCH APPLICATION.

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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)
 Applicant is proposing to construct a one-story residential building on the existing parcel

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 (EXISTING)
TO BE CONVERTED TO ACCESSORY DWELLING UNIT

c) Gross Floor Area: Existing: 1,186+/- square feet
 Proposed: 4,625+/- square feet
 Total: 5,811+/- square feet

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

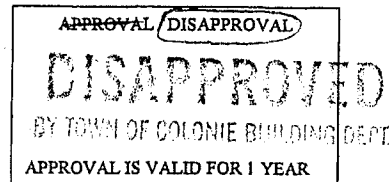
SITE INFORMATION: (DO NOT COMPLETE THIS SECTION IF THERE WILL BE NO EXTERIOR ALTERATION OF THE STRUCTURE/SITE)

Size of lot: 0.92+/- acre 40,063+/- 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 <u>71.3+/-</u>	feet <u>48.6+/-</u>
Left Side Yard:	feet <u>6.8+/-</u>	feet <u>6.8+/-</u>
Right Side Yard:	feet <u>99.5+/-</u>	feet <u>17.8+/-</u>
Rear/Front Yard Depth:	feet <u>8.8+/-</u>	feet <u>8.8+/-</u>
Existing Building Height (at peak):	feet _____	stories <u>one (1)</u>
Proposed Height (at peak):	feet _____	stories <u>one (1)</u>

SIGNATURE: Robert EnsignPRINT NAME: Robert EnsignDATED: 3/19/25TITLE 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, John M. Mullen, 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: 3/25/25SIGNATURE OF ZONING OFFICER: [Signature]

The proposed modification of a 1,040-square-foot single-family dwelling into a detached Accessory Dwelling Unit (ADU) is not compliant with the 1,000-square-foot maximum size for an Accessory Dwelling Unit and the prohibition of detached Accessory Dwelling Units in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article II, Section 190-6, and Attachment #1 - Table of Permitted Uses.

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. # 82-1-23

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: May 2, 2025

1. The undersigned, Robert and Donna Ensign, of 237 Forts Ferry Road (S.B.L. # 8.2-1-28), hereby gives notice of appeal from the decision of the Building Department Director made on the 25th day of March, 2025, in refusing to issue a Building and Zoning Permit on the grounds that the same would be in violation of the provisions of the Code of the Town of Colonie for the following reason(s):

The proposed modification of a 1,040-square-foot single-family dwelling into a detached Accessory Dwelling Unit (ADU) is not compliant with the 1,000-square-foot maximum size for an Accessory Dwelling Unit and the prohibition of detached Accessory Dwelling Units in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article II, Section 190-6, and Attachment #1 – Table of Permitted Uses.

2. Appellant alleges:

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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

Attached hereto is a plot plan of said property, showing SEE ATTACHED

together with SEE ATTACHED

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

SEE ATTACHED

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 Robert S. Ensign

Address 13 Colonis Ave
Latham, NY 12110

Owner or lessee if other than above

STATE OF
COUNTY OF

SS:

Subscribed and sworn to before me this

15th

day of

June

2025

Name

Mailing

Address

Victoria Normandin
Notary Public State of New York
Qualified in Albany County #01NO6190776
Commission Expires 08/04/2028

2 (a)

During the time of the Forts river ferry crossing and rail road crossing this area became home to many small camps that were constructed on minimal plots of land. Throughout the years these tiny seasonal camps were divided into small lots and sold off. A few parcels remained as farm land to eventually be broken up into individual parcels and most were further developed prior to the creation of the town planning board in October of 1954 and without thought of future development of such properties or adjoining properties. Most of the old "camps" have been redeveloped on existing minimalistic plots of land leaving a few larger existing properties as an afterthought left to degrade over time due to restrictive statute, code and the apparent lack of creativity therefore the pre-existence of unusual circumstances and conditions

237 Forts ferry Rd. was created on July 9, 1934 adjoins the old Troy Schenectady railroad. Incorporated in 1836, sold to New York Central railroad, and kept in service thru 1964 subsequently conveyed to the town of Colonie (within town borders) with all rights, easements, and right of way(s) for the purpose of converting such to the now existing Mohawk-Hudson bike path.

2 (b)

Our proposal to convert the existing 1040sf structure into an ADU will preserve the existing structure as it is not possible to remove 40sf without significant destruction of old-world construction methods and materials that we wish to preserve. Additionally, the existing foundation and roofing design prohibit the removal of the aforementioned 40 sf thus practical difficulties and unnecessary hardships exist.

3)

Grant relief concerning Colonie Land Use Law, Article II, Section 190-6 and attachment #1 Table of Permitted uses. specifically grant an exception concerning the existing 40sf overage ADU.

Attached proposed site plan showing proposed new construction foot print, topographical elevations from sea level, proposed new building elevation and site location

4)

It is widely known that substantially similar proposals have historically been approved in the Town of Colonie. With the board's approval of our minor request decades past approvals would be continued, furthermore, your approval will allow us to create a family compound that blends with the natural & developed surroundings. Our proposal is in harmony with the neighborhood as this historic area has been undergoing significant redevelopment of tiny camps into larger year-round residential structures; most being situated on very small plots of land. Additionally, with Shaker Bay in the easterly direction situated significantly higher in elevation to sea level our proposal will help create a hidden transition from a spectacular development of large and beautiful structures and grounds to the existing Lower Forts Ferry community; all while exceeding minimum lot size, greenspace requirements, setbacks, and maintaining adherence to a host of other town code requirements.

Additional points of potential interest:

The lower Forts Ferry Rd. area has been known to be inhabited by native Americans for at least 12,000 years. The area "Alluvial flats" was known by native Americans as Canastagone meaning extensive corn flats. This area had been, among others, owned, farmed, and worked by the Shakers, Forts, then Onderdonk's. The Mohawk View area is rich in more recent historical significance; a fort was erected and maintained at the mouth of what is now known as Shaker Creek in part to protect inhabitants after the Schenectady massacre of 1690. The Shakers operated a grist mill on what is now known as Shaker Creek. They grew broom corn among other crops and manufactured the equivalent of the modern broom. The area also was the location of the Forts ferry which crossed the Mohawk River. Additionally, ice was harvested between the creek and the ferry crossing.

Short Environmental Assessment Form

Part 1 - Project Information

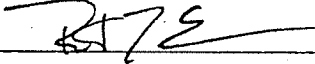
Instructions for Completing

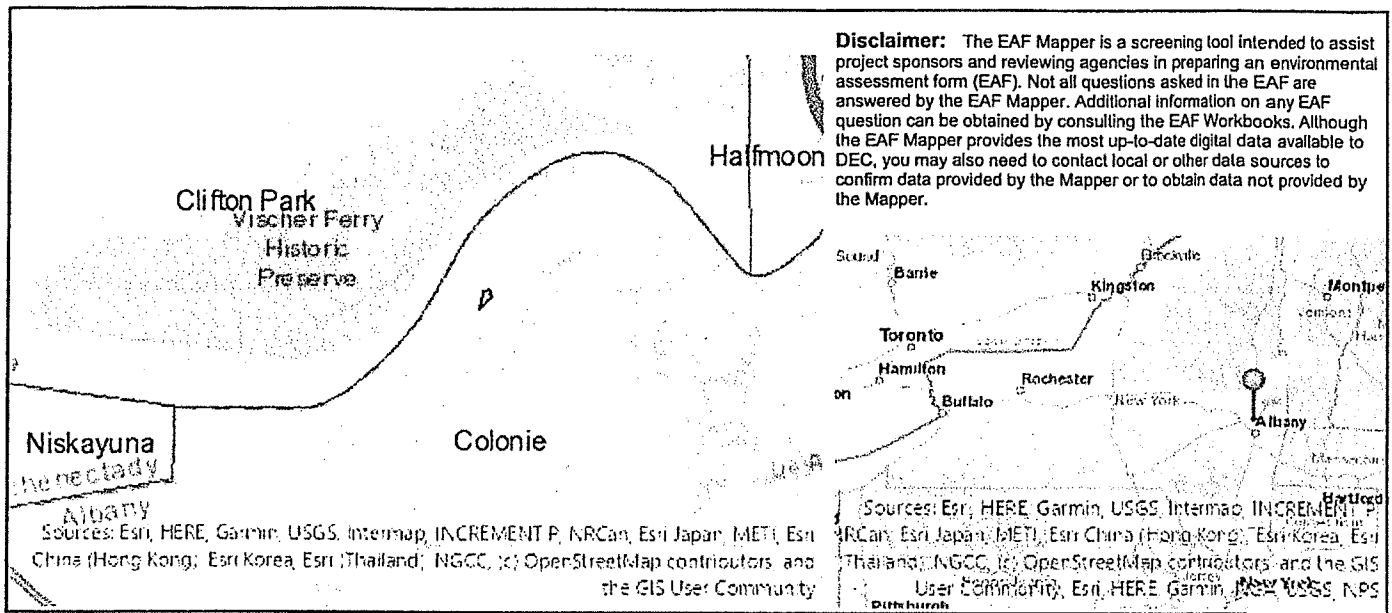
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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			
Robert J Ensign			
Name of Action or Project:			
Proposed new residence			
Project Location (describe, and attach a location map):			
237 Forts Ferry Rd. Latham, New York 12110			
Brief Description of Proposed Action:			
It is proposed to construct a new primary residence while preserving the existing antiquated structure.			
Name of Applicant or Sponsor:		Telephone:	
Robert J. Ensign		E-Mail:	
Address:			
13 Colonie Ave			
City/PO:		State:	Zip Code:
Latham		New York	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: Colonie building, planning, zoning boards			YES
3. a. Total acreage of the site of the proposed action?			.92 acres
b. Total acreage to be physically disturbed?			.3 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			.92 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): bike path, waste treatment plant			
☐ 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? application # 18PRO4788 DENIED	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>Robert J. Ensign</u> Date: _____		
Signature: <u></u> Title: <u>OWNER</u>		



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

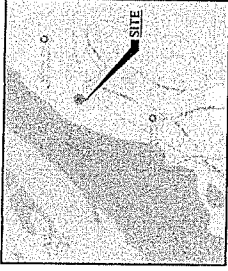
PROPOSED PLOT PLAN
OF LANDS KNOWN AS
ST. NO. 237 FORTS FERRY ROAD
TOWN OF COLONIE
COUNTY OF ALBANY
DATE: MARCH 14, 2025
SCALE: 1" = 30'

ADVANCE ENGINEERING & SURVEYING, INC.
CONSULTING IN -
CIVIL & ENVIRONMENTAL ENGINEERING
LAND SURVEYING & DEVELOPMENT
COMMERCIAL AND INDUSTRIAL
31 HENRIETTA STREET, LONDON, W.1 2TU
PHONE: (01) 636 558-772

[illegible]

NO.	REVISION	BY	APP.	DATE

SITE LOCATION MAP

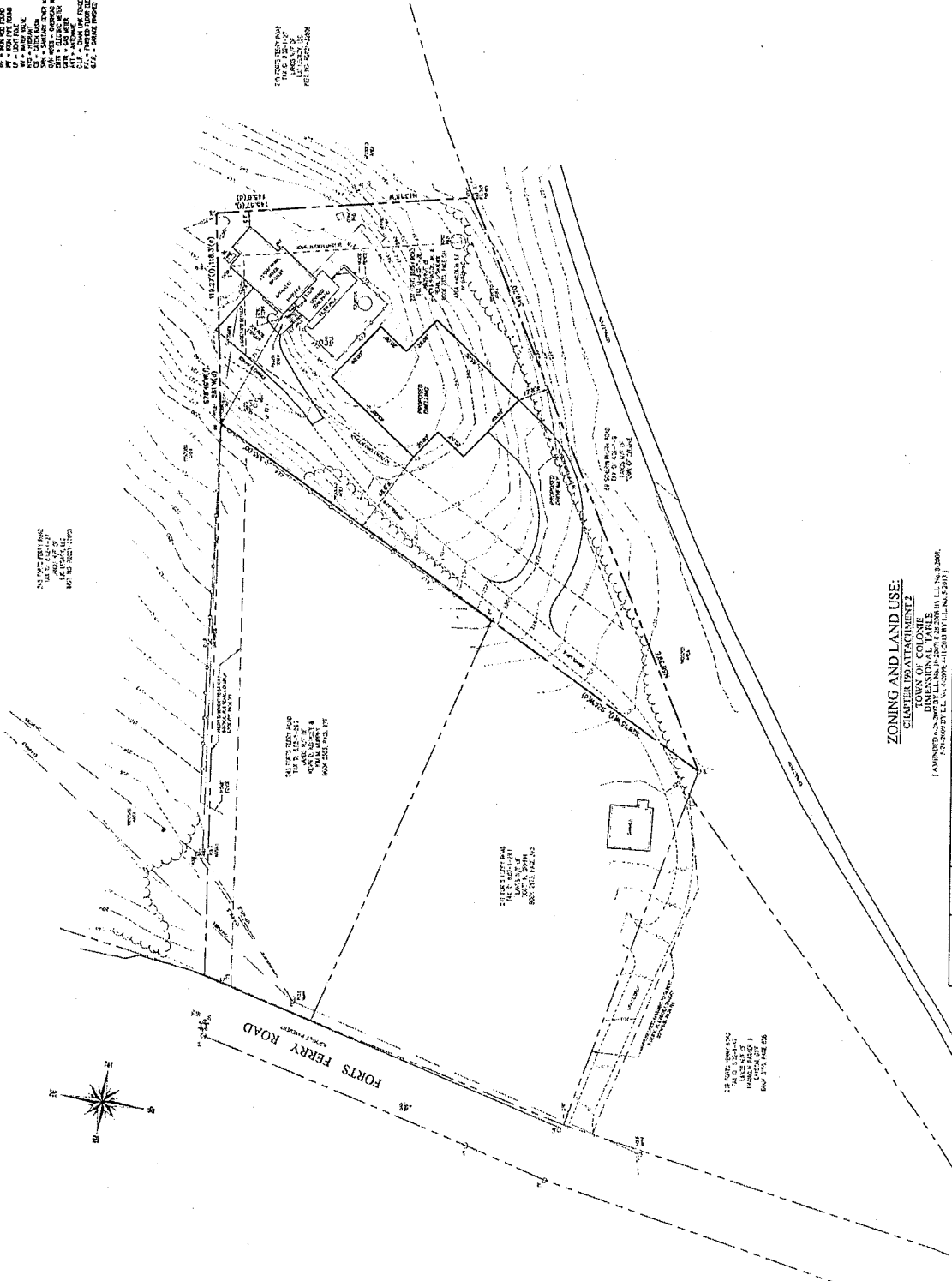


SURVEY NOTES:

1. A PERSONAL INVESTIGATION OF THE RECORDS OF THE NEW YORK CITY POLICE DEPARTMENT HAS REVEALED THAT THE FOLLOWING INDIVIDUALS HAVE BEEN IDENTIFIED AS BEING ASSOCIATED WITH THE SUBJECTS OF THIS CASE:
2. THE NEW YORK CITY POLICE DEPARTMENT HAS IDENTIFIED THE FOLLOWING INDIVIDUALS AS BEING ASSOCIATED WITH THE SUBJECTS OF THIS CASE:
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ABBREVIATIONS:

- ONE = CURED ROCK FLOOR
 TWO = ROCK FLOOR
 THREE = ROCK FLOOR
 FOUR = LEAST FLOOR
 FIVE = WATER FLOOR
 SIX = HIGHEST
 SEVEN = CATCH BASIN
 EIGHT = SANITARY FLOOR
 NINE = OVERHEAD WATERS
 TEN = ELECTRIC METER
 ELEVEN = GAS METER
 TWELVE = ANTENNA
 THIRTEEN = CHAIR LIFT FLOOR
 FOURTEEN = FISHED FLOOR
 FIFTEEN = GARAGE FLOOR



ZONING AND LAND USE:

**TOWN OF COLONIE
DIMENSIONAL TABLE**
[AMENDED 6-28-2007 BY L.L. No. 10-2007; 6-28-2008 BY L.L. No. 8-2008;
5-21-2009 BY L.L. No. 4-2009; 4-11-2011 BY L.L. No. 5-2011]

BUILDING AND LOT REQUIREMENTS		VARD REQUIREMENTS				
MAXIMUM BUILDING FOOTPRINT	MAXIMUM LOT AREA (square feet)	LOT WIDTH	MINIMUM FRONT YARD SETBACK (feet)	MINIMUM SIDE YARD SETBACK (feet)	MINIMUM REAR YARD SETBACK (feet)	REAR YARD SETBACK (feet)
10,000	10,000	40	25%	5'	40'	25'



Peter G. Crummey
Town Supervisor

TOWN OF COLONIE

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

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

Peter R. Crouse
Chairman

TAKE NOTICE that the Town of Colonie Zoning Board of Appeals will hold a public hearing at the Public Operations Center, 347 Old Niskayuna Road, Latham, in the Town of Colonie, on the **16th day of July 2025**, at **7:00 p.m.** to hear the appeal of **Bryan Diliberto** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **350 Watervliet Shaker Road**. The proposed operation of a health club is not a permitted use in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article V, Sections 190-18, 190-21, and 190 Attachment #1 – Table of Permitted Uses. The Zoning Board of Appeals will hear the request for variance from the provisions of the Code of the Town of Colonie, Chapter 190 to permit such construction and use and a SEQR Determination for such appeal. The public may view and listen to the Zoning Board of Appeals hearing on the Town's website by typing <https://colonieny.igmp2.com/Citizens/Default.aspx> in your web browser. The public may present comments to the Board in person or by emailing infozba@colonie.org. (Emailed comments must be received at least 24 hours in advance). Such comments will be read and addressed by the Chairman during the hearing. Landlords are strongly encouraged to notify tenants of the contents of this notice.

ZONING BOARD OF APPEALS
PETER R. CROUSE, CHAIRMAN

DATED July 1, 2025



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
APR 16 2025
TOC
BUILDING DEPT.

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

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

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

1. GENERAL INFORMATION:

Address of site of proposed action:

CASE #Z 202500358

350 Waterwheel SHAKER RD Waterwheel NY 12189
Number Street City State Zip

Name of applicant Bryan Dilberts
Address 1133 New Lannon Rd Cohoes NY 12047
Number Street City State Zip

Applicant's phone (W) 315 404-5219 (Cell)

Email Address 518define@gmail.com

Contact person Bryan Dilberts

Email Address

Phone number (W) (Cell)

Property owner(s) Bryan Dilberts

Address 1133 New Lannon Rd Cohoes NY 12047
Number Street City State Zip

DISAPPROVED
BY TOWN OF COLONIE BUILDING DEPT.

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

Prior - SALON Current: 1-1 one client one trainer per hr
with maximum of four people in total
counting 2 employees

3. APPLICANT'S PROPOSED ACTION:

- only 1-1 TRAINING NO group TRAINING

A. Is the proposed action a:

- ☐ New building ☐ Addition ☐ Renovation ☐ Accessory Structure ☐ Other
☒ New tenant (business name) DEFINE FITNESS LLC ☐ (Including Alterations)
☐ Change of use (new use) SAME USE (PERSONAL SERVICES)
☐ Temporary tent (Date tent will be erected) (Date tent will be removed)
☐ Site change or other (describe below)

B. 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 | |

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

only 1-1 Personal training by Appointment only

OVER

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

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

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

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

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

C. Area of Property: .70 acres and 1,850 square feet Lot Size width _____ depth _____
Length of property on a developed street _____ feet
Is this a corner lot? Yes ☒ No ☐ Frontage on each street _____ ft. _____ ft.
Is this a through lot? Yes _____ No ☒ Frontage on each street _____ ft. _____ ft.

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

Existing Building Height (at peak) _____ ft. stories New Building Size: Length _____ ft. Width _____ ft.
Proposed Building Height (at peak) _____ ft. stories Density Sq. Ft. per acre _____ Units per acre _____

Gross floor area: existing 1,850 sq. ft. proposed _____ sq. ft. total 1,850 sq. ft.

6. SIGNATURE OF APPLICANT [Signature]
PRINTED OR TYPED APPLICANT NAME Chris Mastroianni DATE 3/24/25

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

XXXXXXXXXXXXXXXXXXXXXXXXXXXX FOR OFFICIAL USE ONLY XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

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

IS IN ACCORDANCE _____ APPROVED DATE _____
IS NOT IN ACCORDANCE _____ DISAPPROVED DATE 4/21/25

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

The proposed operation of a health club is not a permitted use in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article V, Sections 190-18, 190-21, and 190 Attachment #1 - Table of Permitted Uses.

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

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

14-073, 84-034, 86-102, 99-078

Variance/SUP granted on property _____ Yes ☐ No ☐
Variance # _____

Is existing use nonconforming _____ Yes ☒ No ☐

Parcel in/near a wetland _____
Parcel in/near a flood plain _____
Watercourse on/near the property _____

Yes ☐	No ☒
Yes ☐	No ☒
Yes ☐	No ☒

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

Major Zoning Verification \$215 ☐ Fee Paid _____

Minor Zoning Verification \$115 ☒ Fee Paid 4/16/25 cash 255

Other Zoning Verification \$ 65 ☐ Fee Paid _____

All fees are non-refundable

DISAPPROVED
BY TOWN OF COLONIE BUILDING DEPT.

**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: April 28, 2025

1. The undersigned, Bryan Diliberto, of 350 Watervliet Shaker Road (S.B.L. # 32.3-2-3), hereby gives notice of appeal from the decision of the Building Department Director made on the 21st day of April, 2025, in refusing to issue a Building and Zoning Permit on the grounds that the same would be in violation of the provisions of the Code of the Town of Colonie for the following reason(s):

The proposed operation of a health club is not a permitted use in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article V, Sections 190-18, 190-21, and 190 Attachment #1 – Table of Permitted Uses.

2. Appellant alleges:

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

See attached order

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

See attached order

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

See attached order

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

together with _____

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

See attached order

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) N/A

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 _____

Address _____

Victoria A. Appender
5 Palisades Drive, Suite 315
ALBANY, NY 12205

Owner or lessee if other than above

STATE OF New York
COUNTY OF Albany SS:

Subscribed and sworn to before me this 16th
day of May, 2025

Penny D. Gagliardi

PENNY D. GAGLIARDI
Notary Public, State of New York
No. 01GA4994237
Qualified in Saratoga County
Commission Expires 3/30/2026

Name _____

Mailing _____

Address _____

RIDER SHEET TO APPEAL TO ZONING BOARD OF APPEALS FOR PROPERTY
LOCATED AT 350 WATERVLIT SHAKER ROAD

The area of the subject property is 21, 780 +/- square feet (.50 acre) which is currently located in a SFR zone.

As far back as the 1980's the zoning maps of the Town of Colonie show that the property has been zoned Residential.

A review of the history of the uses of the property shows that the property has had several use variances granted dating back to May 31, 1984.

On May 31, 1984 a Use Variance was granted to allow for an existing restaurant and barroom to be used for a modeling, talent center and office. Hours of operation no later than 9 PM on weeknights and Saturdays from 11 AM to 5 PM.

A second Use Variance was granted on December 9, 1986 which superseded all previous variances and granted a new commercial use for a beauty salon.

A third Use variance was granted on August 25, 1999 which granted an expansion of the beauty salon to allow for a 12' by 36' expansion with a maximum number of employees other than the owner of 10.

A fourth Use variance was granted to this property on December 19, 2014 wherein the use variance was modified from a change in use from a previous hair salon to a professional office on the first floor and convert the second floor space into an apartment.

While the variance was granted, under the decision "Any decision of the Zoning Board of Appeals shall expire and become null and void one year after filing of such decision and the applicant has not exercised such authorized activity within such period." In speaking with the previous owner of the property who recently sold it to my client, the previous owner never sold the property the person who was granted said variance and therefore it is null and void.

In view of that, the most recent variance of August 24, 1999 was granted an expansion of a beauty salon to allow for the continued use of a beauty salon to allow a 12' x 36' expansion with a maximum number of employees other than the owner of 10 remains in place.

Based upon the facts, the use of the property since before 1984 has been that of commercial, which includes a restaurant and barroom; a modeling, talent center and office and a beauty salon.

The current owner of the property purchased the parcel without seeking the advice of a Zoning Attorney believing that his proposed use as a one-on-one training facility with a maximum of four persons using the facility at one time was an allowable use given that it is far less intense than a beauty salon with up to 11 employees. Unfortunately, Mr. Diliberto was mistaken and has now retained Victor A Caponera Jr. Esq to represent him in seeking approval from this board for an amended and superseding variance to allow for the one-on-one training facility with a maximum of 4 people, including two trainers and two trainees. Clearly the proposed use is far less intense than the previous uses that were allowed by use variance, and as the current and approved plot plan on the property shows, there are existing 23 +/- parking spots that will never be used for the proposed use.

The unusual circumstances and conditions affecting this property that are peculiar to this parcel and do not apply generally to other properties in the vicinity is the fact that the property has, for the past 40-50 years been used in a commercial capacity as stated above. By virtue of the above information the applicant's proposal for one-on-one training facility would be far less intense and far less traffic than customers for a beauty salon and would not be detrimental or an undesirable change to the neighborhood or undesirable change to the character to nearby properties. Clearly the prior uses were far more intense than the proposed use.

The unusual circumstances and conditions affecting this property that are peculiar to this parcel and do not apply generally to other properties in the vicinity is the fact that the property has, for at least for 41+/- years, been used in a commercial capacity, including a bar and restaurant; a modeling and talent center and most recently a beauty salon which has been in continuous operation since 1986.

By virtue of the above information, the Applicant's modification request would not be an undesirable change in the neighborhood or undesirable change to the character to nearby properties, given the fact that the building has been used for commercial purposes for at least 41 years. The change from a busy 11-person beauty salon to a one-on-one training facility would be, in Applicant's opinion, a modification to the existing use that would be far less intense.

Clearly, all of the prior uses were more intense than the proposed use. Any claimed or perceived change in the intensity of the Applicant's use of the premises does not evoke a change of the legal use.

By virtue of the fact that the subject property has been granted the aforementioned use variances by the Colonie Zoning Board of Appeals, and, pursuant to the Appellate Division Third Department Decision of Francis E. Borer v. Ken Vineberg, et al, Constituting the Board of Zoning Appeals of the City of Ithaca, decided March 9, 1995, 213 A.D.2d 828, 623 N.Y.S.2d 378, "where a variance is granted, the use permitted becomes a conforming use. The effect of a variance is to give the landowner a license or permit to use his property in a manner otherwise violated in the zoning ordinance."

Also, once a use variance is granted to a parcel of land for a specific use, there is no legal requirement to prove additional use variance criteria a second time where the landowner seeks to modify a previously granted use on a parcel of land. Please see Red House Farm v. Town of East Greenbush, 234 A.D.2d 770 (3rd Dept. 1996). See also Miller v. ZBA of City of Saratoga, 176 Misc2d 383 (1998).

Also, please see In the Matter of Douglas O. James, etc. v. Town of Hartford, et al, decided October 31, 1975, 49 A.D.2d 247, Appellate Division Fourth Department. In this case, it states "It should be noted that a building constructed under a variance is not a non-conforming use within the meaning of ordinances limiting non-conforming buildings and uses. Hence, a building which does not conform to the use restrictions of the area in which it is located, but which was constructed pursuant to a variance, may be altered without regarding to limitations on the alteration of non-conforming buildings." Citing *One Anderson New York Zoning Law and Practice*, 2nd Edition, §6.37, page 223, N2.

As a result of the aforementioned facts, it is submitted that the proposed modification to the previous variances would be in harmony with the spirit of the Building and Zoning Laws of the Town of Colonie and would not be detrimental to property or persons in the neighborhood and public safety and welfare would be secure and substantial justice done by the granting of the proposed variance.

Please see attached copies of Decisions of the Zoning Board of Appeals previously granted to this property dated: May 31, 1984; December 9, 1986 and August 25, 1999...

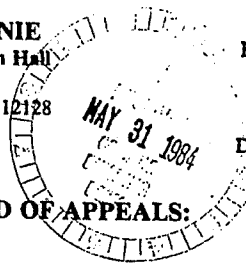


JEAN DONOVAN
Chairman

847 34
TOWN OF COLONIE
Colonie Memorial Town Hall
534 Loudon Road
Newtonville, New York 12128

Building Department
518-783-2706

DANIEL M. SLEASMAN
Counsel



DECISION OF ZONING BOARD OF APPEALS:

IN THE MATTER OF:

Nancy T. Mushaw gave notice of appeal from the decision of the Superintendent of Building Department of the town of Colonie, in refusing to issue a permit for a proposed modeling and talent center and office (Property Location) 350 Watervliet-Shaker Road on the ground that such use would be in violation of the provisions of Section , subsection , paragraph of the zoning law of said town for the following stated reason(s) The existing restaurant and barroom of is classified as a nonconforming use in Residence A-1 District and the proposed modeling and talent center and office (Business Use) is not a permitted use as stated in the Code of the Town of Colonie in Chapter 190-5 and 190-15 and 190-19. and did, on the basis of allegations made in said appeal, petition the Board of Appeals of said Town, in deciding said appeal, to vary the strict application of said provisions; and

Whereas, Said Board did, on the 22nd day of May, 1984 and after due notice, held a public hearing on said appeal, at which hearing any and all persons interested in said appeal, were given an opportunity to appear and be heard thereon; and

Whereas: Said Board has examined the application for the aforesaid permit and the aforesaid petition for variance in relation to the circumstances and conditions affecting said property and those applying in the neighborhood of the same;

Now, Therefore, Be It Resolved: That Said Board does hereby find as follows:

 APPROVED
 X CONDITIONALLY APPROVED (Conditions specified below)
 DENIED (Grounds Specified Below)

CONDITIONS / GROUNDS:

Permission is granted for the premises to be used as a modeling, talent center and office. The hours of operation are limited to no later than 9 p.m. on weeknights and Saturdays from 11 a.m. to 5 p.m.

Certificate

I, Jean Donovan, Chairman of the Board of Zoning Appeals of the Town of Colonie, do hereby certify that the foregoing is a true copy of a decision of the Board of Zoning Appeals made at a meeting thereof duly called and held on the 22nd day of May, 1984.

Date: 5/31, 1984

Jean Donovan, Chairman
Zoning Board of Appeals

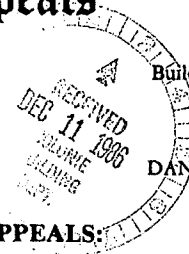
102



JEAN DONOVAN
Chairman

Zoning Board of Appeals

TOWN OF COLONIE
Colonie Memorial Town Hall
534 Loudon Road
Newtonville, New York 12128



Building Department
518-783-2706

DANIEL M. SLEASMAN
Counsel

DECISION OF ZONING BOARD OF APPEALS:

IN THE MATTER OF:

Stan Santora gave notice of appeal from
the decision of the Superintendent of Building Department of the town of Colonie, in refusing to issue a permit for
a proposed beauty salon
(Property Location) 350 Watervliet-Shaker Road
on the ground that such
would be in violation of the provisions of Section _____, subsection _____, paragraph _____ of
the zoning law of said town for the following stated reason(s) The proposed beauty salon is not a
permitted use in a Residential A-1 Zone as stated in the Code of the
Town of Colonie in Section 190-5 (B).

and did, on the basis of allegations made in said appeal, petition the Board of Appeals of said Town, in deciding said appeal,
to vary the strict application of said provisions; and

Whereas, Said Board did, on the 25th day of November, 19 86 and after due notice, held a public
hearing on said appeal, at which hearing any and all persons interested in said appeal, were given an opportunity to appear and
be heard thereon; and

Whereas: Said Board has examined the application for the aforesaid permit and the aforesaid petition for variance in relation
to the circumstances and conditions affecting said property and those applying in the neighborhood of the same;

Now, Therefore, Be It Resolved: That Said Board does hereby find as follows:

 APPROVED
 X CONDITIONALLY APPROVED (Conditions specified below)
 DENIED (Grounds Specified Below)

CONDITIONS / GROUNDS:

- 1) This variance supersedes all previous variances
and previous uses.
- 2) The second floor shall be used strictly for storage
and/or employee services, i.e., no apartment is permitted.
- 3) The hours of operation shall be restricted to
9 a.m. to 8 p.m.
- 4) Subject to site plan review and any additional
conditions which may be specified by the Town of Colonie Planning
Board, and subject to receiving a building permit from the Building
Department.

Certificate

I, Jean Donovan, Chairman of the Board of Zoning Appeals of the Town of Colonie,
do hereby certify that the foregoing is a true copy of a decision of the Board of Zoning Appeals made at a meeting thereof duly
called and held on the 25th day of November, 19 86.

Date: Dec 9, 19 86

Jean Donovan, Chairman
Zoning Board of Appeals



JEAN DONOVAN
Chairman

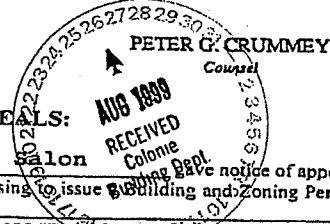
Zoning Board of Appeals

99-078
GWP

TOWN OF COLONIE

PUBLIC OPERATIONS CENTER
347 OLD NISKAYUNA ROAD
LATHAM, N.Y. 12110-2286

Building Department
518-783-2706



DECISION OF ZONING BOARD OF APPEALS:
IN THE MATTER OF: Arthene LaValley d/b/a Metro Hair Salon
from the decision of the Director of Building Department of the Town of Colonie, in refusing to issue Building and Zoning Permit
(Property Location) 350 Watervliet Shaker Road
on the ground that such would be in violation of the Code of the Town of Colonie, Chapter 190 "Zoning" for the following reason(s)
The proposed 12 ft. by 36 ft. two-story addition to an existing hair salon
is not a permitted use in a Residence A-1 Zoning District as stated in
the Code of the Town of Colonie, Section 190-5B(1). Also, the proposal
is not consistent with previous Variance #86-102.

and did, on the basis of allegations made in said appeal, petition the Zoning Board of Appeals of said Town, in deciding said appeal, to vary the strict application of said provisions; and

Whereas, Said Board, on the 19th day of August, 1999 and after due notice, held a public hearing on said appeal, at which hearing any and all persons interested in said appeal, were given an opportunity to appear and be heard thereon; and

Whereas, Said Board has examined the application for the aforesaid permit and the aforesaid petition for variance in relation to the circumstances and conditions affecting said property and those applying in the neighborhood of the same;

Now, Therefore, Be it Resolved, BASED ON THE ENTIRE RECORD BEFORE THE BOARD THE VARIANCE IS:
APPROVED X CONDITIONALLY APPROVED DENIED

CONDITIONS/GROUNDS.

- 1) The provisions contained in Variance #86-102 are incorporated in the approval of this variance.
- 2) A maximum of ten employees other than the owner are permitted.
- 3) Subject to site plan review and any additional conditions specified by the Town of Colonie Planning Board and subject to receiving a building permit from the Building Department.

NOTE: Unless otherwise specified, any decision of the Zoning Board of Appeals shall expire and become null and void one year after the filing of such decision if the applicant has not exercised such authorized activity within such period. Issuance of a building permit in accordance with, and within one year of, such decision, shall be deemed prima facie evidence that such activity has been exercised. ZBA Rules and Procedures Article 8.6.

Certificate

I, Jean Donovan, Chairman of the Zoning Board of Appeals of the Town of Colonie, do hereby certify that the foregoing is a true copy of a decision of the Zoning Board of Appeals made at a meeting thereof duly called and held on the 19th day of August, 19 99.

Date: Aug 25, 19 99

Jean Donovan
Jean Donovan, Chairman
Zoning Board of Appeals

12/29/97



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
www.colonie.org

James Campbell
Chairman

Michael J. Garry
Counsel

RECEIVED
DPW/ENGINEERING/HIGHWAY

DEC 19 2014

DECISION OF ZONING BOARD OF APPEALS:

STORMWATER/FACILITIES

IN THE MATTER OF: 350 Watervliet Shaker Road

Kathleen Godfrey gave notice of appeal from the decision of the Building Department Manager for the Town of Colonie, which refused to issue a Building and Zoning Permit for 350 Watervliet Shaker Road on the grounds that such would be in violation of the Town of Colonie Land Use Law for the following reason(s):

The proposed change of use from a previous hair salon to a professional office on the first floor and convert the second floor space into an apartment is not a permitted use in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article V Use Regulations, Sections 190-18, 190-20A and 190-20B Attachment #1 Table of Permitted Uses. Also this proposal is not consistent with previous Variances #84-034, 86-102 and 99-078.

Kathleen Godfrey has petitioned the Zoning Board of Appeals for a variance from the strict application of said provisions, specifically a use variance as set forth above.

Whereas, said Board, on the 18th day of December, 2014, and after due notice, held a public hearing on said appeal, at which hearing any and all persons interested in said appeal, were given an opportunity to appear and be heard thereon; and

Whereas, said Board has examined the application for the aforesaid permit and the aforesaid petition for variance in relation to the circumstances and conditions affecting said property and those applying in the neighborhood of the same;

Now, Therefore, Be it Resolved, BASED ON THE ENTIRE RECORD BEFORE THE BOARD, THE REQUESTED VARIANCE IS:

___ APPROVED ___ APPROVED IN PART X CONDITIONALLY APPROVED ___ DENIED

CONDITIONS: 1) Applicant will obtain an easement for or remove the driveway at East Hills Blvd. 2) Second floor must be occupied by the property owner.

NOTE: Unless otherwise specified, any decision of the Zoning Board of Appeals shall expire and become null and void one year after the filing of such decision if the applicant has not exercised such authorized activity within such period. Issuance of a building permit in accordance with, and within one year of, such decision, shall be deemed prima facie evidence that such activity has been exercised. ZBA Rules and Procedures Article 8.6.

Certificate

I, James Campbell, Chairman of the Zoning Board of Appeals of the Town of Colonie, do hereby certify that the foregoing is a true copy of a decision of the Zoning Board of Appeals made at a meeting thereof duly called and held on the 18th day of December, 2014.

Date:

12/19

FILED 2014

James Campbell, Chairman
Zoning Board of Appeals

Granted w/conditions

12/18/14

ZBA 14-073

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.

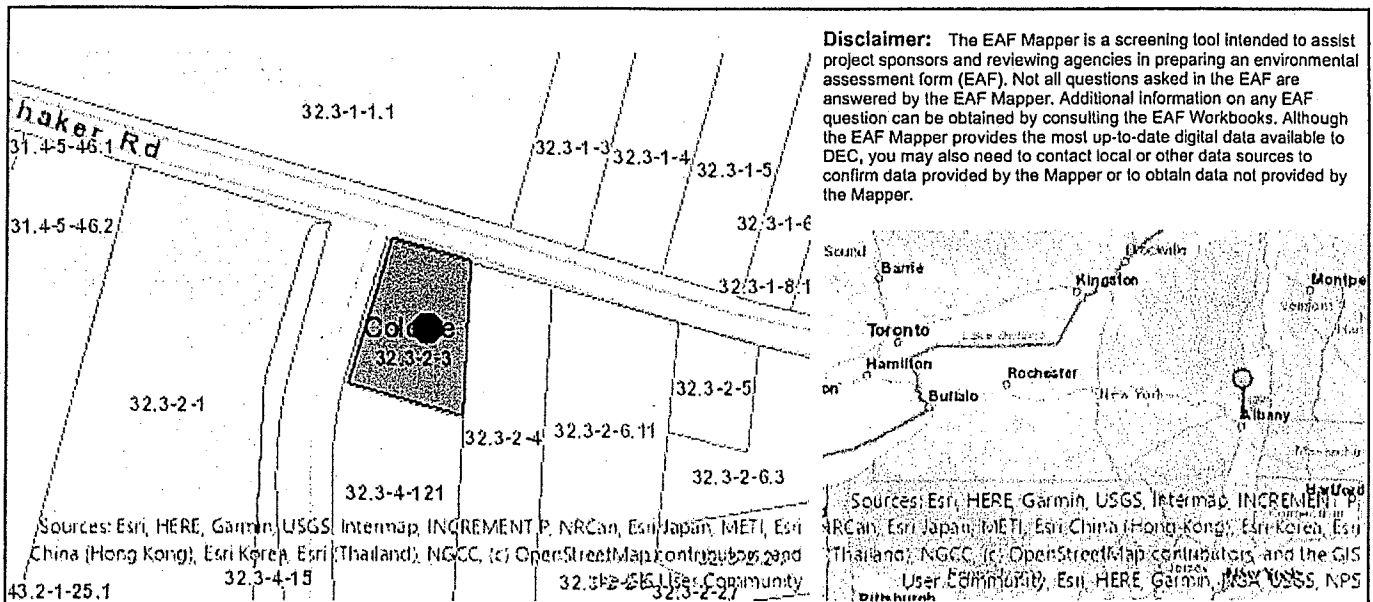
Part 1 - Project and Sponsor Information			
<u>DEFINE FITNESS LLC</u>			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
<u>350 WATERLIET SHAKER DRIVE, COLONIE, NEW YORK</u>			
Brief Description of Proposed Action:			
<u>TO SEEK AN AMENDMENT TO THE LATEST USE VARIANCE GRANTED ON THIS PARCEL DATED 8-25-1999- ALLOWING EXPANSION OF A BEAUTY SALON WITH 12 EMPLOYEES TO A ONE ON ONE PERSONAL TRAINING FACILITY WITH A MAXIMUM OF 2 EMPLOYEES (INCLUDING OWNER) AND A MAXIMUM OF 4 PERSONS AT ANY ONE TIME USING THE BUILDING</u>			
Name of Applicant or Sponsor:		Telephone: <u>518-404-5219</u>	
<u>DEFINE FITNESS, LLC / BRYAN DILIGERTO</u>		E-Mail: <u>518define@gmail.com</u>	
Address:			
<u>350 WATERLIET SHAKER ROAD,</u>			
City/PO:		State:	Zip Code:
<u>LATHAM</u>		<u>NY</u>	<u>12110</u>
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:			☐ ☒
<u>ZONING BOARD and PLANNING Department change in use</u>			
3. a. Total acreage of the site of the proposed action?		<u>.50</u> acres	
b. Total acreage to be physically disturbed?		<u>X</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>.50</u> 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? <i>BY USE VARIANCES GRANTED</i>	☐	☒	☐
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>DEFINITE FITNESS LLC</u> Date: <u>5-15-25</u> Signature: <u>[Signature]</u> Title: <u>[Signature]</u>		

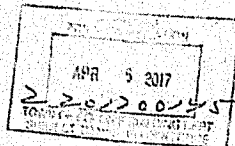
EAF Mapper Summary Report

Thursday, May 15, 2025 2:46 PM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

LANDS N/F OF
ST. AGNES CEMETERY
(2142 / 573)



PROP. SUGAR
MAPLES
2"-2.5" GAL.

RECEIVED

APR 16 2025

BUILDING DEPT

PROVIDE
CONNECT
ROADWAY
CONSTR.

PROPOSED FUTURE BLVD.
BY OTHERS

LANDS N/F OF
ST. AGNES CEMET
2142 / 573

N 59°28'35" W 142.48'

N 30°31'25" E 179.64'

S 50°28'35" E 100.00' M.H.

E.P.

PARKING STRIPES

C.B.

ASPHALT PARKING LOT

PARKING STRIPES

SIGN

AWNING

5'x7'

RAMP

WOOD DECK

PROPOSED BUILDING EXTENSION

24'x24'

24'x24'

24'x24'

24'x24'

24'x24'

24'x24'

24'x24'

24'x24'

24'x24'

24'x24'

24'x24'

24'x24'

24'x24'

24'x24'

24'x24'

24'x24'

AREA = 21,780± SQ.FT.
OR = 0.50± ACRES

METRO HAIR
SALON SIGN

AWNING

5'x7'

S.C.O.

LP. BENT

C.L.H. END.