



TOWN OF COLONIE

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

Peter G. Crummey
Town Supervisor

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

Peter R. Crouse
Chairman

MINUTES OF MEETING ZONING BOARD OF APPEALS August 6, 2025

Chairman Peter R. Crouse called the meeting of the Town of Colonie Zoning Board of Appeals to order on **August 6, 2025**, at **7:00 p.m.** at the Public Operations Center, 347 Old Niskayuna Road, Latham, New York.

Present:	Chairman	Peter R. Crouse	Absent:	Member	James Campbell
	Member	P.J. Blanchfield		Member	Christopher Rueckert
	Member	Steven Girvin			
	Member	George Vogt IV			
	Member	Frederick Weinraub			
	Counsel	Michael Paulsen, Esq.			

The meeting minutes of **July 16, 2025**, were reviewed. Member Vogt made a motion to approve the minutes. Member Girvin seconded the motion. Upon roll call, the minutes were unanimously approved.

A public hearing was held on the application of **Lisa Zeoli** for the premises located at **25 Grounds Place**. Lisa Zeoli made a presentation to the Board. Member Vogt made a motion to approve the variance as presented. Member Blanchfield seconded the motion. Upon calling the vote, the motion to approve the variance passed unanimously.

A public hearing was held on the application of **Woodhaven Land Partners #2, LLC** for the premises located at **302 Troy Schenectady Road**. Dick Schlansker made a presentation to the Board. The hearing was adjourned to the September 3, 2025, Zoning Board of Appeals meeting at the request of the Applicant.

There being no more business, Member Blanchfield made a motion to close the meeting at 7:24 p.m. Member Weinraub seconded the motion and, upon roll call, the motion to close passed unanimously.

Approved: _____
Chairman Peter R. Crouse

Date: _____



Peter G. Crummey
Town Supervisor

TOWN OF COLONIE

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

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

Chretien T. Voerg, P.E.
Director

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

25-021 25 Grounds Place – Lisa Zeoli

New Hearings:

25-023 9 Edenfield Street – David Kaufman
25-024 28 Arcadia Court – Deborah Shank
25-025 18 Western Avenue – Jim Fuller
25-026 435 New Karner Road – Whitman Holdings, LLC



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Peter R. Crouse
Chairman

TAKE NOTICE that the Town of Colonie Zoning Board of Appeals will hold a public hearing at the Public Operations Center, 347 Old Niskayuna Road, Latham, in the Town of Colonie, on the **6th day of August 2025, at 7:00 p.m.** to hear the appeal of **Lisa Zeoli** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **25 Grounds Place**. The proposed construction of an 8-foot by 8-foot shed in the rear yard with 5-foot side and rear yard setbacks in a Single Family Residential (SFR) zoning district is not compliant with the previous Zoning Board of Appeals decision (#99-108) prohibiting accessory structures in the rear yard. 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 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 16, 2025



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 **20th day of August 2025, at 7:00 p.m.** to hear the appeal of **David Kaufman** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **9 Edenfield Street**. The proposed construction of an 8-foot by 18-foot shed in a front yard on a corner lot with a 27-foot front yard setback (Baylor Street) is not complaint with the prohibition of accessory structures in a front yard in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article VI, Sections 190-24, 190-26(C)(4), 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 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 August 5, 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
BH

APR 1 8 2015

T.O.C.
BUILDING DEPT.

Permit No. 2 20500396

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: 9 Edenfield St.

Albany NY 12211
City State Zip

Property Owner's Name: David Kaufman
(Applicant)

Address: 9 Edenfield St.
Albany NY 12211
City State Zip

Phone W _____ H/Cell 914-474-4343

Property Owner's Email: KaptnKman@AOL.com

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

Address: _____

City State Zip

Phone W _____ Cell _____

ESTIMATED COST \$ 5,600 18'x8' Flr. Area (144 S.F.)

PERMIT FEE \$ 180 PKD 12/15
(This fee is not refundable)

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

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

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

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

C-105.2 U-26.3 SI-12 CE-200

Contractor's General Liability

Insured's Name _____
(must match business name)

NOTE: IF OWNER IS NOT THE 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

INSURANCE INFORMATION REQUIRED

"on file with town"

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: Storage Shed built + sold by Garden Time Inc.
8x18 Shed

c) Gross Floor Area: Existing: _____ square feet
Proposed: 144 square feet
Total: 144 square feet

d) Parcel is located in a 352 zoning district. (If unknown, verify with Building Department.)

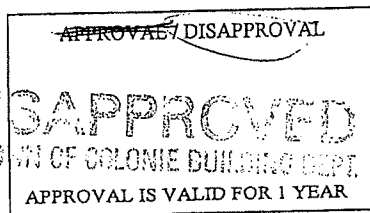
SITE INFORMATION: (DO NOT COMPLETE THIS SECTION IF THERE WILL BE NO EXTERIOR ALTERATION OF THE STRUCTURE/SITE)

Size of lot: 0.28 acre 12,144 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>41'</u>	feet <u>N/C</u>
Left Side Yard:	feet <u>12'</u>	feet <u>N/A</u>
Right Side Yard:	feet <u>23'</u>	feet <u>5'</u>
Rear/Front Yard Depth:	feet <u>40'</u>	feet <u>27'</u>
Existing Building Height (at peak):	feet _____	stories <u>1</u>
Proposed Height (at peak):	feet <u>12'</u>	stories <u>1</u>



SIGNATURE: _____

PRINT NAME: David Kaufman

DATED: 4/15/25

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, 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: 4/25/25

[Signature]
SIGNATURE OF ZONING OFFICER

The proposed construction of an 8-foot by 18-foot shed in a front yard on a corner lot with a 27-foot front yard setback (Baylor Street) is not complaint with the prohibition of accessory structures in a front yard in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article VI, Sections 190-24, 190-26(C)(4), 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 # _____

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

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

AUG - 4 2025

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: July 14, 2025

1. The undersigned, David Kaufman, of 9 Edenfield Street (S.B.L. # 43.1-4-56), hereby gives notice of appeal from the decision of the Building Department Director made on the 25th 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 an 8-foot by 18-foot shed in a front yard on a corner lot with a 27-foot front yard setback (Baylor Street) is not complaint with the prohibition of accessory structures in a front yard in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article VI, Sections 190-24, 190-26(C)(4), 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:

our property, being a corner lot, is said to have two(2) front yards and two(2) small side yards with no back yard.

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:

The setbacks and size of the "side" yard behind the footprint of the house precludes us from placing a shed behind the house. The 27-foot setback noted in #1 above is to our property line. There is another 10-foot of grass to paved street which is owned by town and maintained by property owner.

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:

Grant permission for a shed to be placed on the "front" yard, which is the left facing side of the house (Baylor Street).

Attached hereto is a plot plan of said property, showing

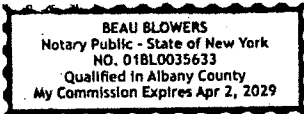
Proposed Shed placement with setbacks.

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): Said shed would be harmonious with the existing new built house to the extent it would be light colored with dark shingled roof, windows with window boxes on all 4 sides and doors on 2 sides. Said shed would be pre made to order from Garden Time Sheds in Clifton Park, NY.

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: David Kaufman
Print Name: David Kaufman
Address: 9 Edenfield St.
Albany NY 12211

Owner or lessee if other than above

STATE OF New York
COUNTY OF Albany SS:

Subscribed and sworn to before me this 4th day of August, 2025

[Signature]

Name
Mailing
Address

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

RECEIVED

 AUG - 4 2025

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Storage shed		
Project Location (describe, and attach a general location map): 9 Edenfield St. Loudonville, NY 12211		
Brief Description of Proposed Action (include purpose or need): Placement of 8'x18' storage shed on residential property in town of Colonie		
Name of Applicant/Sponsor: David Kaufman		Telephone: 914-474-4343
		E-Mail: KaptnKman@AOL.com
Address: 9 Edenfield St.		
City/PO: Loudonville	State: NY	Zip Code: 12211
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): NYS Heritage Areas: Mohawk Valley Heritage Corridor	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? South Colonie

b. What police or other public protection forces serve the project site? Colonie Police Dept.

c. Which fire protection and emergency medical services serve the project site?
Shaker Road Loudenville Fire Dept. / Colonie EMS

d. What parks serve the project site?

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres
 b. Total acreage to be physically disturbed? _____ acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
 If Yes,
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed? _____
 iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: _____ months
 ii. If Yes:
 • Total number of phases anticipated _____
 • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
 • Anticipated completion date of final phase _____ month _____ year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

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

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

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

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

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

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

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

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

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

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

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

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

Yes No
 Yes No
 If Yes:

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

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

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

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

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

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

- How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
- Describe types of new point sources. _____
- Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 - If to surface waters, identify receiving water bodies or wetlands: _____
 - Will stormwater runoff flow to adjacent properties? Yes No

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

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

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

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

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

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

- Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
- In addition to emissions as calculated in the application, the project will generate:
 - _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 - _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 - _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 - _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 - _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 - _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No
 If Yes:
 i. Estimate methane generation in tons/year (metric): _____
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No
 If Yes:
 i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____
 iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____
 iv. Does the proposed action include any shared use parking? Yes No
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____
 vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No
 If Yes:
 i. Estimate annual electricity demand during operation of the proposed action: _____
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____
 iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.
 i. During Construction:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____
 ii. During Operations:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____

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

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

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

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

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

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

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

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

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

c. Is the project site presently used by members of the community for public recreation? Yes No
 i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
 If Yes,
 i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
 If Yes:
 i. Dimensions of the dam and impoundment:
 • Dam height: _____ feet
 • Dam length: _____ feet
 • Surface area: _____ acres
 • Volume impounded: _____ gallons OR acre-feet
 ii. Dam's existing hazard classification: _____
 iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
 If Yes:
 i. Has the facility been formally closed? Yes No
 • If yes, cite sources/documentation: _____
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
 iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
 If Yes:
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
 If Yes:
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
 ii. If site has been subject of RCRA corrective activities, describe control measures: _____
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
 If yes, provide DEC ID number(s): _____
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: Principal Aquifer _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____

 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: _____
 ii. Basis for designation: _____
 iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: Eligible property: Parrotville School

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

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

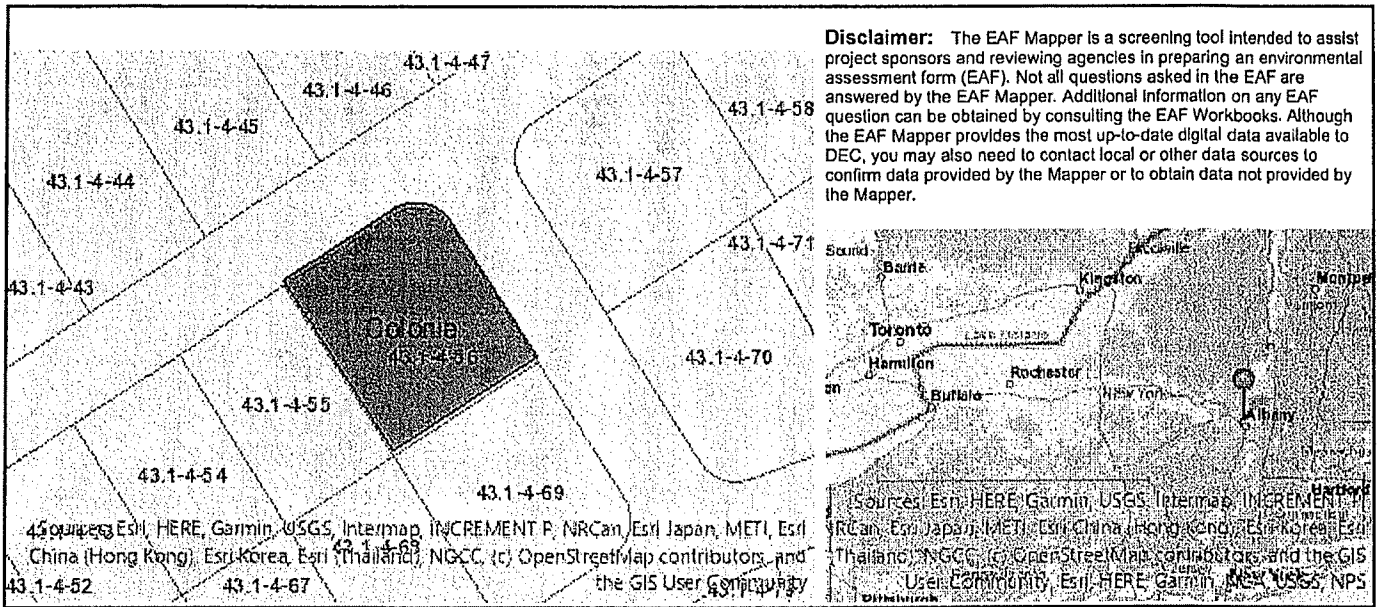
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

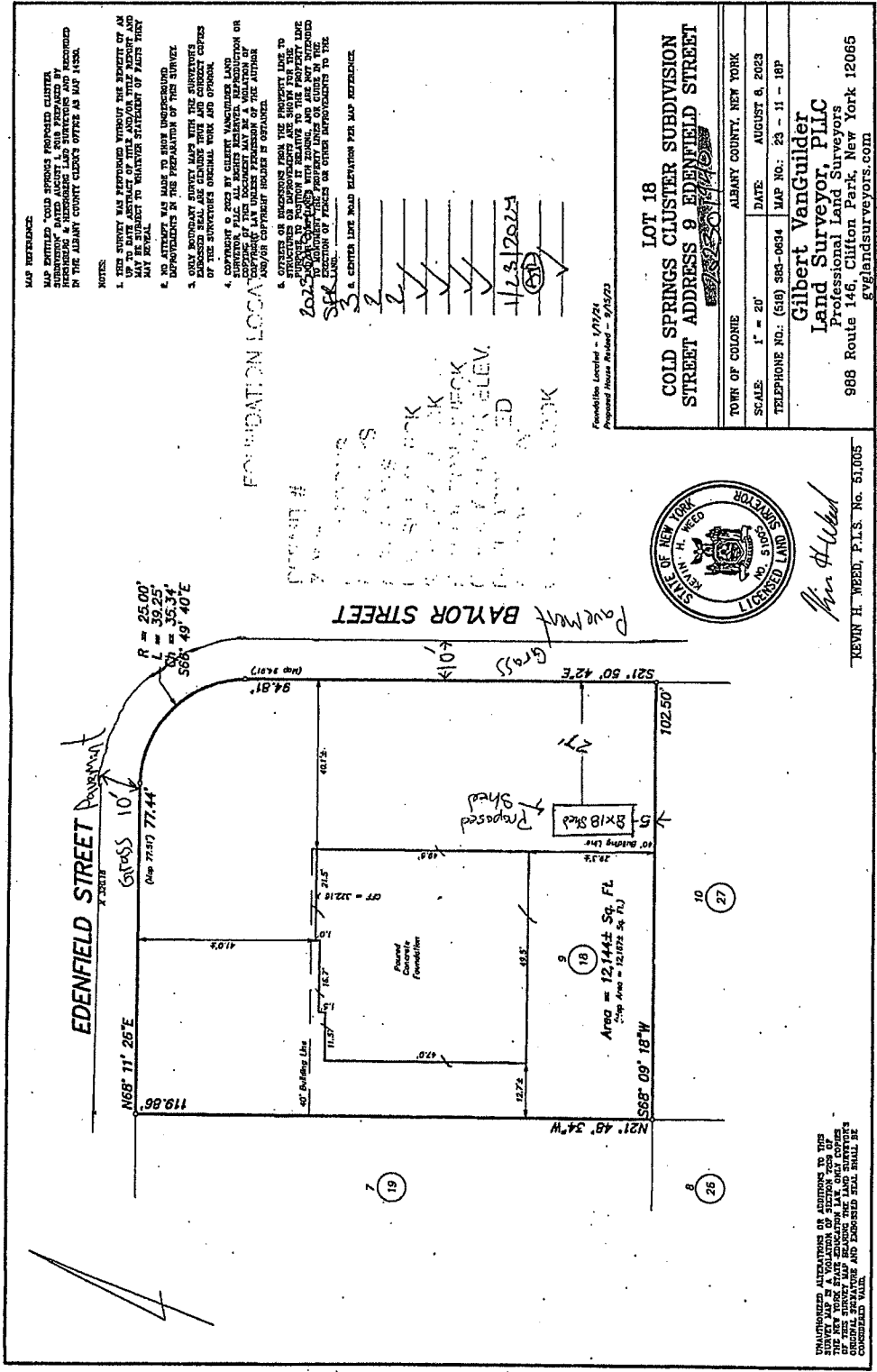
Applicant/Sponsor Name David Kaufman Date 8/4/25

Signature David Kaufman Title _____



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

E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:Parrotville School
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



MAP REFERENCE:
 MAP ENTITLED "COLD SPRINGS PROPOSED CLUSTER SUBDIVISION" DATED AUGUST 11, 2023 WAS PREPARED BY SURVEYOR KEVIN H. WEED, P.L.S. No. 51,005, AND RECORDED IN THE ALBANY COUNTY CLERK'S OFFICE AS MAP 14330.

NOTES:
 1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN UP TO DATE ASSESSMENT OF THE LOT AND/OR THE ADJACENT LOT MAY BE SUBJECT TO FURTHER SURVEY OF PARTS THAT MAY REVEAL.

2. NO ATTEMPT WAS MADE TO SHOW UNDERGROUND DEPENDENCIES IN THE PREPARATION OF THIS SURVEY.

3. ONLY BOUNDARY SURVEY MAPS WITH THE SURVEYOR'S SIGNATURE AND SEAL ARE ADMISSIBLE IN COURT AND COURT COSTS OF THIS MAP SHALL BE PAID BY THE CLIENT.

4. ANY CHANGES TO THIS MAP MUST BE MADE BY EITHER THE SURVEYOR OR SURVEYOR, P.L.C. ALL RIGHTS RESERVED. REPRODUCTION OR COPIES OF THIS DOCUMENT MAY BE A VIOLATION OF FEDERAL AND STATE LAWS.

5. OFFERS OR INDEMNITIES FROM THE PROPERTY LINE TO STRUCTURES OR IMPROVEMENTS ARE SHOWN FOR THE LOT TO BE SURVEYED. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS NOT WITHHELD TO ANY OTHER PURPOSES OR CONDITIONS OF THE MAP.

6. CENTER LINE ROAD DEVIATION PER MAP REFERENCE.

FOUNDATION LOCATIONS

- 1. FOUNDATION # 1
- 2. FOUNDATION # 2
- 3. FOUNDATION # 3
- 4. FOUNDATION # 4
- 5. FOUNDATION # 5
- 6. FOUNDATION # 6
- 7. FOUNDATION # 7
- 8. FOUNDATION # 8
- 9. FOUNDATION # 9
- 10. FOUNDATION # 10

Field/In Office - 1/17/24
 Proposed House Revised - 8/15/23

LOT 18
COLD SPRINGS CLUSTER SUBDIVISION
STREET ADDRESS 9 EDENFIELD STREET

TOWN OF COLOMBO ALBANY COUNTY, NEW YORK
 SCALE: 1" = 20'
 DATE: AUGUST 6, 2023
 TELEPHONE NO.: (518) 383-0634 | MAP NO.: 23 - 11 - 18P

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



Kevin H. Weed

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

TRANSMITTED ELECTRONICALLY TO THE ALBANY COUNTY CLERK'S OFFICE ON AUGUST 6, 2023. THIS SURVEY MAP IS A VIOLATION OF SECTION 200 OF THE NEW YORK STATE EDUCATION LAW. ONLY COPIES WITH THE ORIGINAL SIGNATURE AND EXPRESSED SEAL SHALL BE CONSIDERED VALID.



TOWN OF COLONIE

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

Peter G. Crummey
Town Supervisor

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

Peter R. Crouse
Chairman

TAKE NOTICE that the Town of Colonie Zoning Board of Appeals will hold a public hearing at the Public Operations Center, 347 Old Niskayuna Road, Latham, in the Town of Colonie, on the **20th day of August 2025, at 7:00 p.m.** to hear the appeal of **Deborah Shank** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **28 Arcadia Court**. The proposed subdivision of a 10,800-square-foot lot into two lots: lot 1 – a 5,400-square-foot lot with a 60-foot front lot line and 60-foot width at the front building setback line for the future construction of a single-family dwelling, and lot 2 – a 5,400-square-foot lot with a 60-foot front lot line and 60-foot width at the front building setback line with an existing single-family dwelling, is not compliant with the 18,000-square-foot minimum lot size, 80-foot minimum front lot line, and 80-foot width at the front building setback line required in a Single Family Residential (SFR) zoning strict 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 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 August 5, 2025



BUILDING AND FIRE SERVICES DEPARTMENT

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

(518) 783-2706
Z 2025 00G78

ZONING VERIFICATION – SUBDIVISION / MERGER

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

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

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

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

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

Address of site of proposed subdivision:

28 Arcadia Ct Albany NY 12205
Number Street City State Zip Code

Name of Applicant: Deborah L Shank Brian D. Sweeney

Address of Applicant:
244 Nottingham Mall Niskayuna NY 12309
Number Street City State Zip Code

Applicant's telephone numbers: W _____ Cell 518-225-4937

Contact Person Deborah Shank

Contact Person's Address

Number Street City State Zip Code

Contact Person's telephone numbers: W _____ Cell _____

Property Owner(s): _____

Address of Property Owner: _____

Number Street City State Zip Code

Property Owner's telephone numbers: W _____ H _____

2. FEE

A non-refundable fee is required at time of application or when processed and ready for pickup. (Please refer to the Fee Schedules)

3. PLOT PLAN

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

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

Over

4. APPLICANT'S PROPOSED SUBDIVISION / MERGER:

Describe Present Use: single family dwelling

Describe the proposed subdivision / merger in detail: subdivide lot in half for the proposed single family dwelling in the future.

5. SITE STATISTICS:

How many existing parcels comprise the project site? 1
 Total number of parcels after subdivision or merger? 2
 The project site is located in what zoning district(s)? SFR
 (Refer to Town of Colonie Zoning Map/Laws)
 Total area of existing parcel(s): acres .243 and square feet 10,800

Proposed Lots:
 Maximum lot size: square feet 5,400
 Minimum lot size: square feet 5,400

Proposed Streets:
 Streets proposed to be constructed? Yes No
 If no; is the parcel on a dedicated street? Yes No
 What is the minimum right-of-way width proposed? 9 ft.
 What is the minimum frontage on a street a proposed lot will have 60 ft?

Buildings:
 How many units are proposed? UN NEW / 1 EXISTING
 What are the proposed uses? SINGLE FAMILY RESIDENTIAL
 What is the density (units per acre)? 8.06
 What is the maximum height of any building to be constructed? 40 feet
 Stories (if known at this time)? 2 stories

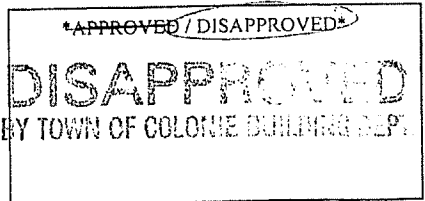
SIGNATURE OF APPLICANT: [Signature]
 PRINTED OR TYPED COPY OF SIGNATURE: Dorothy Schenk DATE 6/5/00

XXXXXXXXXX ZONING OFFICERS DECISION BELOW XXXXXXXXXXXX

Are there easements on the property	Yes <u> </u> No <input checked="" type="checkbox"/>	Was the parcel created or divided since 1966	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Parcel in/near a floodplain	Yes <u> </u> No <input checked="" type="checkbox"/>	Protected watercourse on/near the property	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Parcel in/near a wetland	Yes <u> </u> No <input checked="" type="checkbox"/>	Is existing use nonconforming	<u> </u> Yes <input checked="" type="checkbox"/> No
Variance granted on property	Yes <u> </u> No <input checked="" type="checkbox"/>	Subdivision of record on file	<u> </u> Yes <input checked="" type="checkbox"/> No
Copy of Assessor's card(s) attached	Yes <input checked="" type="checkbox"/> No <u> </u>	Existing violation or outstanding permit	<u> </u> Yes <input checked="" type="checkbox"/> No
Copy of County Tax Map	Yes <u> </u> No <input checked="" type="checkbox"/>		

YES NO VIOLATION - CHAPTER 190-8 (BUILDING PERMITS REQUIRED)
 CONSTRUCTION STARTED WITHOUT OBTAINING ZONING AND BUILDING PERMIT.

- TO THE APPLICANT:
 You may now file an:
- Application for Subdivision Approval (Planning and Economic Development)
 - Application for a Zoning Variance or Interpretation (Zoning Board of Appeals)
 - Application for a Special Use Permit (Planning Board)
 - Application for Open Development Area (Town Board)
 - Application for Zoning Verification (Building & Fire Services)



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

I, L S MAHAN, zoning officer of the Town of Colonie do hereby find that the proposed action as described above, and in any attachments hereto,
 IS IN ACCORDANCE _____ APPROVED DATE _____
 IS NOT IN ACCORDANCE _____ DISAPPROVED DATE 7/1/25

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

The proposed subdivision of a 12,800-square-foot lot into two lots: lot 1 - a 5,400-square-foot lot with a 60-foot front lot line and 60-foot width at the front building setback line for the future construction of a single-family dwelling, and lot 2 - a 5,400-square-foot lot with a 60-foot front lot line and 60-foot width at the front building setback line with an existing single-family dwelling, is not compliant with the 18,000-square-foot minimum lot size, 80-foot minimum front lot line, and 80-foot width at the front building setback line required in a Single Family Residential (SFR) zoning strict as stated in the Town of Colonie Land Use Law, Article VI, Sections 190-24, 190-25, and 190 Attachment #2 - Dimensional Table.

APPEAL FROM DECISION OF ADMINISTRATIVE OFFICIAL
APPLICATION FOR INTERPRETATION/VARIANCE

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

To the Zoning Board of Appeals
Town of Colonie

Date: July 24, 2025

1. The undersigned, Deborah Shank of 28 Arcadia Court (S.B.L. # 53.6-3-12), hereby gives notice of appeal from the decision of the Building Department Director made on the 1st day of July, 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 subdivision of a 12,800-square-foot lot into two lots: lot 1 – a 5,400-square-foot lot with a 60-foot front lot line and 60-foot width at the front building setback line for the future construction of a single-family dwelling, and lot 2 – a 5,400-square-foot lot with a 60-foot front lot line and 60-foot width at the front building setback line with an existing single-family dwelling, is not compliant with the 18,000-square-foot minimum lot size, 80-foot minimum front lot line, and 80-foot width at the front building setback line required in a Single Family Residential (SFR) zoning strict 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:

The proposed subdivided lot is consistent in size with other lots in the neighborhood and is larger than many others

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:

The proposed subdivision has similar setbacks as surrounding lots

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:

Attached hereto is a plot plan of said property, showing The proposed subdivision from one lot to two lots

together with

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

The proposed lots are the same size as many of the properties in the area and would not be determined in anyway to the surrounding neighborhood

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 Deborah Shank
Print Name Brian Sweeney Deborah Shank
Address 28 Arcadia Ct
Albany NY 12205

Owner or lessee if other than above

STATE OF
COUNTY OF

SS:

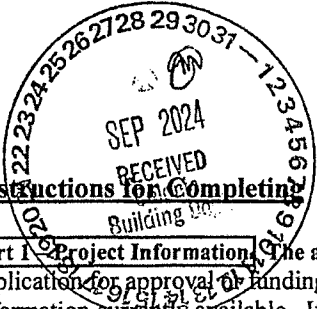
Subscribed and sworn to before me this 28th
day of July 2025

Name _____

Mailing _____

Address _____

Victoria Norman
Notary Public State of New York
Qualified in Albany County #01N06190776
Commission Expires 08/04/2028



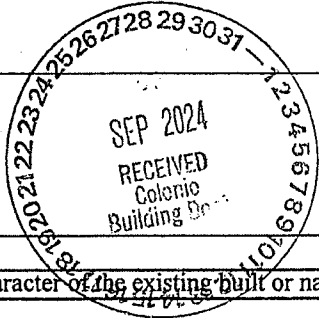
Short Environmental Assessment Form

Part 1 - Project Information

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							
<p style="font-size: 1.2em; margin: 0;">Deborah Shank</p> <p>Name of Action or Project:</p> <p style="font-size: 1.2em; margin: 0;">SHANK SUBDIVISION</p>							
<p>Project Location (describe, and attach a location map):</p> <p style="font-size: 1.2em; margin: 0;">28 Arcadia Court, Albany New York</p>							
<p>Brief Description of Proposed Action:</p> <p style="font-size: 1.2em; margin: 0;">Subdivision of Lot into (2) Lots</p>							
<p>Name of Applicant or Sponsor:</p> <p style="font-size: 1.2em; margin: 0;">Deborah Shank</p>		<p>Telephone: 518-225-4937</p> <p>E-Mail: chefdeb@nycap.rr.com</p>					
<p>Address:</p> <p style="font-size: 1.2em; margin: 0;">2440 Nottingham Mall</p>							
<p>City/PO:</p> <p style="font-size: 1.2em; margin: 0;">Niskayuna</p>		<p>State:</p> <p style="font-size: 1.2em; margin: 0;">N.Y.</p>	<p>Zip Code:</p> <p style="font-size: 1.2em; margin: 0;">12309</p>				
<p>1. <u>Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?</u></p> <p>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.</p>			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 5px;">NO</td> <td style="text-align: center; padding: 5px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
<p>2. <u>Does the proposed action require a permit, approval or funding from any other government Agency?</u></p> <p>If Yes, list agency(s) name and permit or approval:</p>			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 5px;">NO</td> <td style="text-align: center; padding: 5px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
<p>3. a. <u>Total acreage of the site of the proposed action?</u> .25 acres</p> <p>b. <u>Total acreage to be physically disturbed?</u> 0 acres</p> <p>c. <u>Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?</u> .25 acres</p>							
<p>4. <u>Check all land uses that occur on, are adjoining or near the proposed action:</u></p> <p> <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) </p> <p> <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): </p> <p><input type="checkbox"/> Parkland</p>							



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



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 **20th day of August 2025, at 7:00 p.m.** to hear the appeal of **Jim Fuller** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **18 Western Avenue**. The proposed construction of a second story addition with an 11.7-foot front yard setback on a pre-existing nonconforming single family dwelling is not compliant with the prohibition of the enlargement of a nonconforming structure and the 30-foot minimum front yard setback required in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article VIII, Section 190-35, and Article VI, Sections 190-24, 190-26(A), and 190 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 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.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 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 August 5, 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
APR - 2 2025

BUILDING DEPT.

Permit No. 2202500294

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: 18 Western Ave
Latham NY 12189
City State Zip

Property Owner's Name: Jim Fuller
(Applicant)
Address: 44 Western Ave

Latham NY 12110
City State Zip
Phone W 518-444-5392 Cell

Property Owner's Email: afullerservice@gmail.com

Contractor's Business Name: GM
(Insurance must match business name)
Donnelly Builders.

Address: 16 Clara Ct.
Wynantskill NY 12198
City State Zip
Phone W 518 364 9434 Cell

ESTIMATED COST \$ 50,000 Flr. Area

PERMIT FEE \$ \$ 875.00
(This fee is not refundable)

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

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

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

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

C-105.2 U-26.3 SI-12 CE-200

Contractor's General Liability
Insured's Name GM Donnelly Builders.
(must match business name)

NOTE: IF OWNER IS NOT THE SIGNER, 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

INSURANCE INFORMATION REQUIRED

FOR OFFICIAL USE ONLY

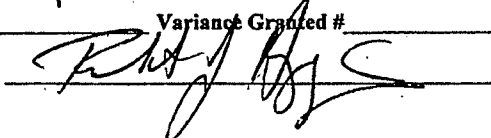
The application of Jim Fuller Dated April 2, 2025

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: OK to issue After Review

Proposed use: 2nd Floor Addition And Complete Renovation (3 Bedroom, 2 1/2 Baths) Variance Granted #

Dated: April 24, 2025



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: remodel first floor, second story addition. (3 Bedroom, 2.5 Baths)

c) Gross Floor Area: Existing: 900 square feet
Proposed: 1000 square feet
Total: 1900 square feet

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

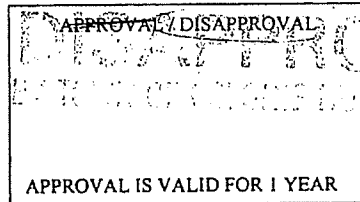
SITE INFORMATION: (DO NOT COMPLETE THIS SECTION IF THERE WILL BE NO EXTERIOR ALTERATION OF THE STRUCTURE/SITE)

Size of lot: 3920 acre sq. ft.

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

Does the parcel front upon a developed public street? Yes No If yes, length of frontage on street: feet 40

Table with 3 columns: Building Setbacks, Existing, Proposed. Rows include Front Yard Depth, Left Side Yard, Right Side Yard, Rear/Front Yard Depth, Existing Building Height, Proposed Height.



SIGNATURE: Gary Donnelly
PRINT NAME: Gary Donnelly DATED: 3/31/25
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. J. ... 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: 6/25/2017 SIGNATURE OF ZONING OFFICER

The proposed construction of a second story addition with an 11.7-foot front yard setback on a pre-existing nonconforming single family dwelling is not compliant with the prohibition of the enlargement of a nonconforming structure and the 30-foot minimum front yard setback required in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article VIII, Section 190-35, and Article VI, Sections 190-24, 190-26(A), and 190 Attachment #3 - Dimensional Table for Prior Established Lots.

- 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 # 32.1-2-2A
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
 Special Use Permit (Planning & Economic Development)
 Application for a Zoning Variance or Interpretation
 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: July 23, 2025

1. The undersigned, Jim Fuller of 18 Western Avenue (S.B.L. # 32.1-2-29), hereby gives notice of appeal from the decision of the Building Department Director made on the 25th 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 second story addition with an 11.7-foot front yard setback on a pre-existing nonconforming single family dwelling is not compliant with the prohibition of the enlargement of a nonconforming structure and the 30-foot minimum front yard setback required in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article VIII, Section 190-35, and Article VI, Sections 190-24, 190-26(A), and 190 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:

The property is located on a narrow, non conforming lot that was platted before current zoning setbacks and height restrictions were enacted, making vertical expansion the only viable option to increase living space.

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 the variance, the homeowner cannot reasonably expand the home to accommodate a growing family, due to setback and height limitations that predate the current needs of modern housing.

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:

Permission to expand vertically on a non conforming structure where the current lot coverage already exceeds zoning limits, without increasing the actual ground footprint.

Attached hereto is a plot plan of said property, showing the existing current structure and proposed second story addition within the current footprint, together with architectural renderings of proposed addition.

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

The proposed second story addition is consistent with the scale and style of other homes in the neighborhood, many of which are two stories. Thereby maintaining the character of the neighborhood.

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)

ELIZABETH ANESA PERSAUD
Notary Public, State of New York
No. 01PE0021573
Qualified in Schenectady County
Commission Expires Feb. 28, 2028

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: James Fuller
Address: 44 Western Ave
Colonie, NY 12189

STATE OF New York
COUNTY OF Rensselaer SS:

Owner or lessee if other than above

Subscribed and sworn to before me this 1st
day of August, 2025

Name _____
Mailing _____
Address _____

[Signature]

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: 18 western avenue addition and remodel		
Project Location (describe, and attach a general location map): 18 western ave. waterviliet, ny 12189		
Brief Description of Proposed Action (include purpose or need): second story addition and full remodel		
Name of Applicant/Sponsor: gary donnelly		Telephone: 518 368 9438
		E-Mail: gdonnelly518@gmail.com
Address: 16 clara ct		
City/PO: wynantskill	State: ny	Zip Code: 12198
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): jim fuller		Telephone: 518 888 5353
		E-Mail:
Address: 44 western ave		
City/PO: waterviliet	State: ny	Zip Code: 12189

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	town of colonie zoning	7/23/25
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): NYS Heritage Areas: Mohawk Valley Heritage Corridor	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
 30ft minium front set back _____

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? 11.7 ft front set back _____

C.4. Existing community services.

a. In what school district is the project site located? colonie

b. What police or other public protection forces serve the project site?
colonie

c. Which fire protection and emergency medical services serve the project site?
colonie

d. What parks serve the project site?
colonie

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres
 b. Total acreage to be physically disturbed? _____ acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
 If Yes,
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed? _____
 iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: _____ months
 ii. If Yes:
 • Total number of phases anticipated _____
 • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
 • Anticipated completion date of final phase _____ month _____ year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) Yes No
 If Yes:

i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____
 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____
 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

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

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
 If Yes:

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

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No
 If Yes:

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

ii. Will the proposed action obtain water from an existing public water supply? Yes No
 If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
 If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

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

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

d. Will the proposed action generate liquid wastes? Yes No
 If Yes:

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

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

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
 If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No • Will a line extension within an existing district be necessary to serve the project? <input type="checkbox"/> Yes <input type="checkbox"/> No <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____</p>
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____</p>
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____ _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No
 If Yes:
 i. Estimate methane generation in tons/year (metric): _____
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No
 If Yes:
 i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____
 iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____
 iv. Does the proposed action include any shared use parking? Yes No
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____
 vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No
 If Yes:
 i. Estimate annual electricity demand during operation of the proposed action: _____
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____
 iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.
 i. During Construction:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____
 ii. During Operations:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No
 If Yes:
 i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ tons per _____ (unit of time)
 • Operation : _____ tons per _____ (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: _____

 • Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____

 • Operation: _____

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

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

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:

i. Name of aquifer: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____

 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: _____
 ii. Basis for designation: _____
 iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

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

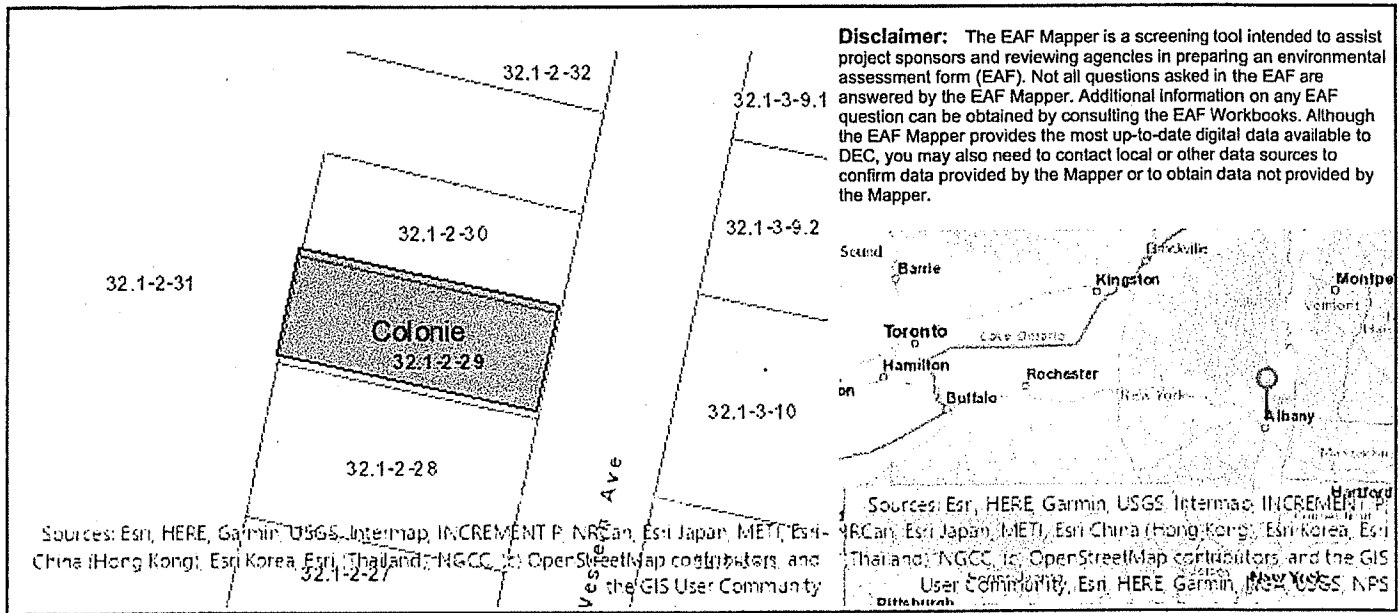
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name gary donnelly Date 7/31/25

Signature gary donnelly Title applicant



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

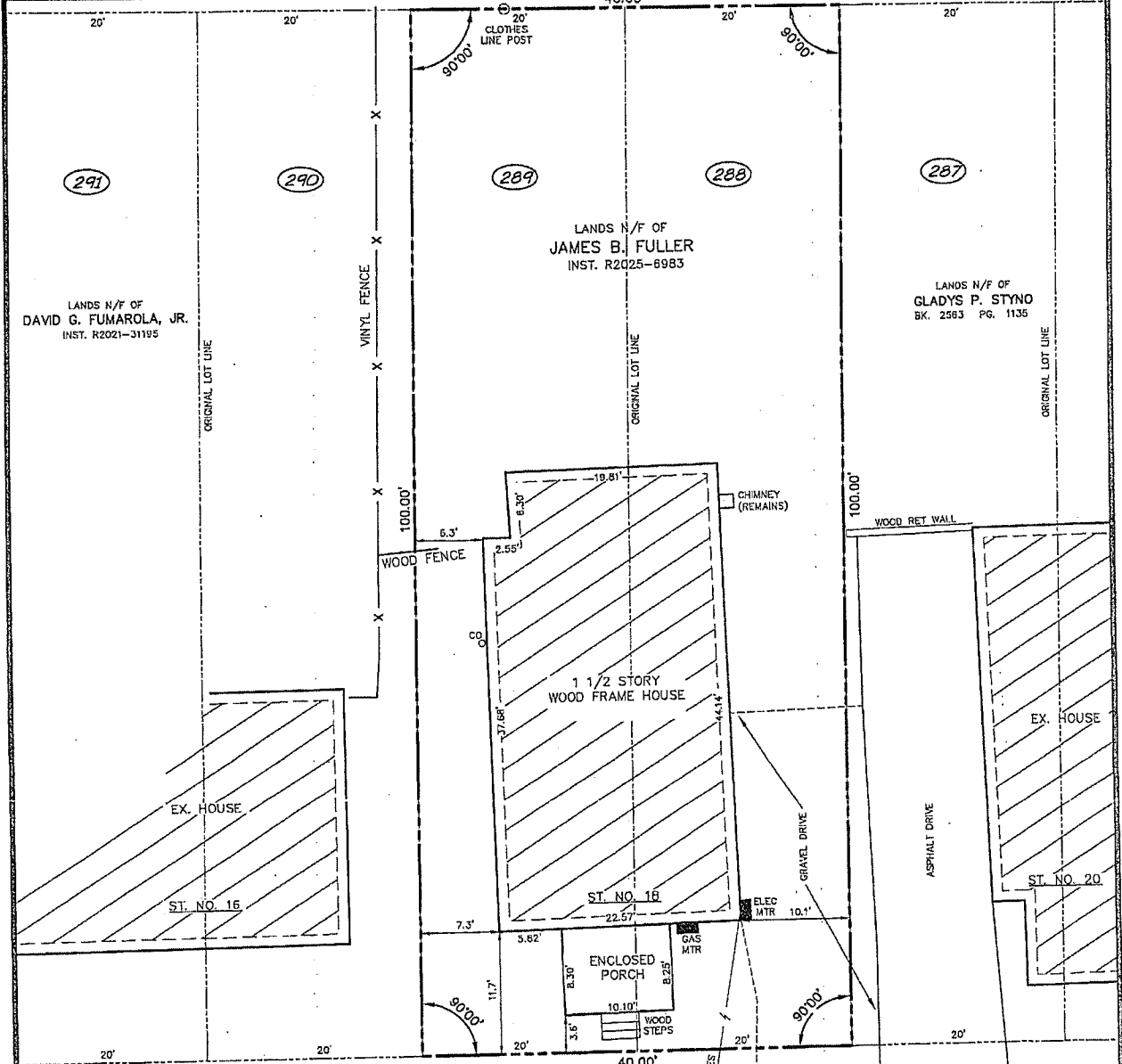
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]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

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ALL RIGHTS RESERVED.
UNAUTHORIZED DUPLICATION IS A
VIOLATION OF APPLICABLE LAWS.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A
LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209,
SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN
ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE
CONSIDERED VALID TRUE COPIES.

ST. NO. 141
TROY-SCHENECTADY ROAD

LANDS N/F OF
ARTHUR G. MAHERJIAN &
CHRISTINE A. HAGOPIAN
INST. R2017-22207



- NOTES:
- BOUNDARY EVIDENCE AND PLANIMETRIC INFORMATION SHOWN HEREON WAS COMPILED FROM AN ACTUAL FIELD SURVEY COMPLETED ON MAY 2, 2025 AND REFLECTS VISIBLE CONDITIONS EXISTING AT THAT OCCASION.
 - TAX MAP DESIGNATION: 32.01-2-29
 - THE OFFSETS OR DIMENSIONS SHOWN HEREON, FROM PROPERTY LINES TO BUILDINGS ARE FOR BUILDING REFERENCE AND LOCATION AND ARE NOT INTENDED TO MONUMENT THE PROPERTY LINES OR TO GUIDE THE ERECTION OF FENCES, ADDITIONAL STRUCTURES, OR ANY OTHER IMPROVEMENT.
 - SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.
 - SUBJECT TO ANY STATE OF FACTS AN UP-TO-DATE ABSTRACT OF TITLE WOULD DISCLOSE.

(348) - LOT NUMBER PER MAP REFERENCE NO. 1

- MAP REFERENCES:
- A MAP ENTITLED "REVISED PLAN OF FAIRVIEW HEIGHTS", PREPARED BY C.A. THAYER, C.E., DATED MAY 1913, AND FILED IN THE ALBANY COUNTY CLERK'S OFFICE AS MAP NO. 836, DRAWER 28.
 - A MAP ENTITLED "PORTION OF LANDS OF STEPHEN P. VINCIQUERRA", TOWN OF COLONIE, ALBANY COUNTY, NEW YORK, MADE BY C.T. MALE ASSOCIATES, P.C., DATED APRIL 20, 1978, DRAWING NO. 78-05.

WESTERN AVENUE (50' WIDE R.O.W.)
ASPHALT SURFACE
TO TROY SCHENECTADY ROAD

RECEIVED
MAY 11 2025



TOC
BUILDING DEPT

SURVEY MAP OF LANDS

OWNED BY
JAMES B. FULLER

DATE:	MAY 2, 2025
SCALE:	1" = 20'
DRAWN BY:	C.L.S.
CHECKED BY:	L.T.S.
MAP NO.:	B-25056

ST. NO. 18 WESTERN AVENUE
ALBANY COUNTY

TOWN OF COLONIE
STATE OF NEW YORK

LS L. SIPPERLY & ASSOCIATES, DPC
ENGINEERS * SURVEYORS * LAND PLANNERS
666 TROY-SCHENECTADY ROAD
LATHAM, NEW YORK 12110
PHONE: (518) 782-1800 FAX: (518) 782-2522



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 **20th day of August 2025, at 7:00 p.m.** to hear the appeal of **Whitman Holdings, LLC** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **435 New Karner Road**. The proposed renovations of an existing 41,475-square-foot two-story office building in an Office Residential (OR) zoning district with a proposed 17,975 square feet of commercial use and 23,500 square feet of residential use with 18 residential dwelling units does not comply with the maximum 12 dwelling unit granted by the Zoning Board of Appeals on October 20, 2016, under variance (16-038) or with the maximum 11.9 dwelling units permitted as stated in the Town of Colonie Land Use Law, Article VI, Sections 190-24, 190-25, and 190 Attachment #2 – Dimensional Table, Note 9. The Zoning Board of Appeals will hear the request for variance from the provisions of the Code of the Town of Colonie, Chapter 190 to permit such construction and use and a SEQR Determination for such appeal. The public may view and listen to the Zoning Board of Appeals hearing on the Town's website by typing <https://colonienny.iqm2.com/Citizens/Default.aspx> in your web browser. The public may present comments to the Board in person or by emailing infozba@colonie.org. (Emailed comments must be received at least 24 hours in advance). Such comments will be 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 August 5, 2025



Peter G. Crumney
Town Supervisor

RECEIVED
JUL 1 10 2025
BUILDING DEPT.

Commercial Zoning Verification

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

Phone (518) 783-2706

www.colonie.org/departments/building

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

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

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

1. GENERAL INFORMATION:

CASE # Z 202500742

Address of site of proposed action:

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

Name of applicant Brian Whitman

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

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

Email Address brwhitman511@gmail.com

Contact person same

Email Address _____

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

Property owner(s) Whitman Holdings LLC

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

DISAPPROVED
BY TOWN OF COLONIE BUILDING DEPT.

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

mixed office + apartment

3. APPLICANT'S PROPOSED ACTION:

A. Is the proposed action a:

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

B. Proposed use (check where applicable):

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

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

Convert approx 6500 SF of office space to 6 apartments
They will be 2 bd each

**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: July 25, 2025

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

2. Appellant alleges:

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

Colonie Code changed in 2022. Chapter 190, Zoning & Land Use, allows up to 80% of commercial space to be converted to residential. The variance granted in 2016 and cited as the reason for the denial is no longer relevant.

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

A variance to convert commercial space to add 6 apartments should not be required, since this is now a conforming and permitted use. I have attached a copy of the Dimension Table from Chapter 190 of the Town Code. Note 9 contains the details of the commercial to residential conversion allowances.

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 request that this Board grant the variance or decide that use is conforming and instruct the Building Dept to issue a building permit without a variance.

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

Plot plan shows that there are no changes to the site plan and no construction proposed outside of the existing structure.

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): _____

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) _____

Rensselaer
12/20/24

DAWN SKRAMSTAD
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SK6237937
Qualified in Rensselaer County
My Commission Expires 3/28/27

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 Brian Whitman

Print Name Brian Whitman

Address 10 Box 511

Glenmont, NY 12077

STATE OF New York
COUNTY OF Rensselaer

SS:

Owner or lessee if other than above

Subscribed and sworn to before me this 29th
day of July, 2025

Name _____
Mailing _____
Address _____

Dawn Skramstad

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.

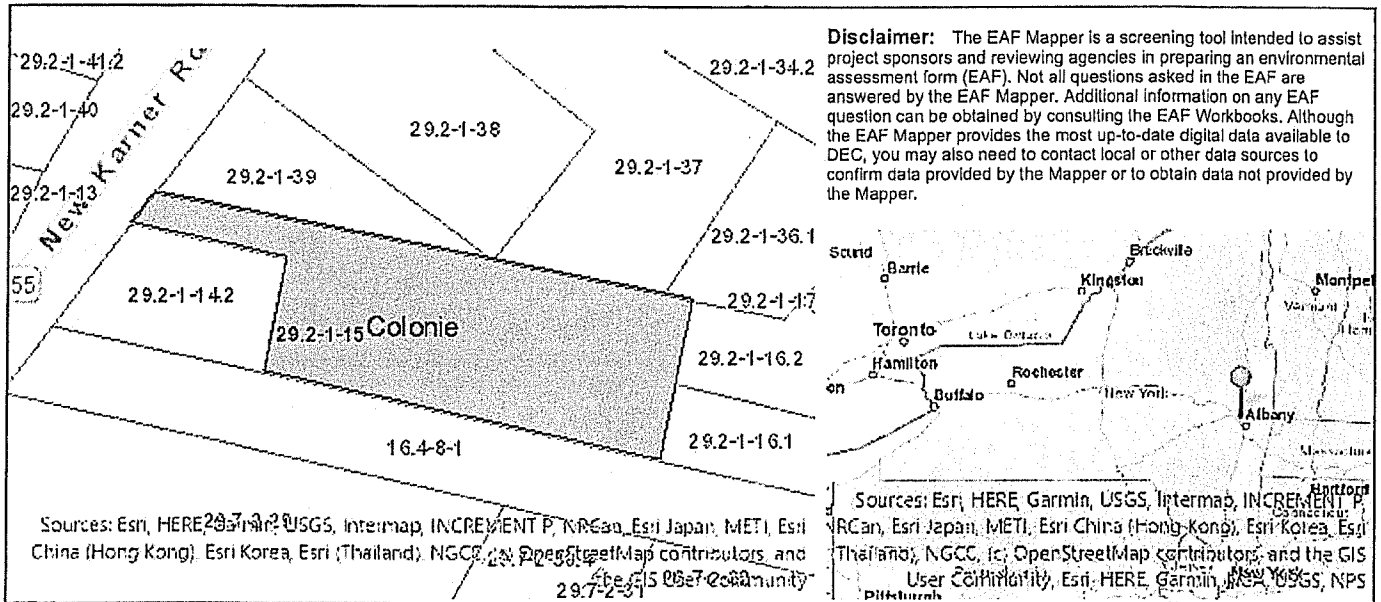
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Name of Action or Project: Commercial to residential conversion				
Project Location (describe, and attach a location map): 435 New Karner Rd. Albany, NY 12205				
Brief Description of Proposed Action: Convert approx. 7000SF of commercial office space to 6 residential apartments on 1st floor of building				
Name of Applicant or Sponsor: Brian Whitman		Telephone: 518-461-6393 E-Mail: brwhitman511@gmail.com		
Address: PO Box 511				
City/PO: q Glenmont		State: NY	Zip Code: 12077	
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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
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: Town of Colonie requires a building permit			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 2.4 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? _____ 2.4 acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):				
<input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

EAF Mapper Summary Report

Tuesday, July 29, 2025 8:55 AM



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]	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

