



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 September 3, 2025

Chairman Peter R. Crouse called the meeting of the Town of Colonie Zoning Board of Appeals to order on **September 3, 2025**, at **7:03 p.m.** at the Public Operations Center, 347 Old Niskayuna Road, Latham, New York.

Present:	Chairman	Peter R. Crouse	Absent:	None
	Member	P.J. Blanchfield		
	Member	James Campbell		
	Member	Steven Girvin		
	Member	Christopher Rueckert		
	Member	George Vogt IV		
	Member	Frederick Weinraub		
	Counsel	Michael Paulsen, Esq.		

The meeting minutes of **August 20, 2025**, were reviewed. Member Girvin made a motion to approve the minutes. Member Vogt seconded the motion. Upon roll call, the minutes were unanimously approved.

A public hearing was held on the application of **Lance & Cassandre Rowe** for the premises located at **1 Sharon Court**. Lance Rowe made a presentation to the Board. Member Campbell made a motion to approve the variance as presented. Member Girvin seconded the motion. Upon calling the vote, the motion to approve the variance passed unanimously.

A public hearing was held on the application of **Aqeel Abbas Mughal** for the premises located at **2 Lindbergh Drive**. Dave Kimmer (ABD Engineers) made a presentation to the Board. Member Campbell made a motion to approve the variance as presented. Member Rueckert seconded the motion. Upon calling the vote, the motion to approve the variance passed with 4 for, 2 against, and 1 abstained.

A public hearing was held on the application of **Kings Motors, LLC** for the premises located at **1338 Loudon Road**. Stefanie DiLallo Bitter made a presentation to the Board. Chairman Crouse made a motion to adjourn the hearing to the October 1, 2025, Zoning Board of Appeals meeting. Member Weinraub seconded the motion. Upon calling the vote, the motion to adjourn the hearing 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. Chairman Crouse made a motion to adjourn the hearing to the September 17, 2025, Zoning Board of Appeals meeting. Member Campbell seconded the motion. Upon calling the vote, the motion to adjourn the hearing passed unanimously.

MINUTES OF MEETING
ZONING BOARD OF APPEALS
September 3, 2025
Page 2 of 2

There being no more business, Chairman Crouse made a motion to close the meeting at 8:35 p.m. Member Campbell seconded the motion and, upon roll call, the motion to close passed unanimously.

Approved: _____ Date: _____
Chairman Peter R. Crouse



Peter G. Crummev
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: September 4, 2025
To: Members of the Zoning Board of Appeals
From: Chretien T. Voerg, P.E., Director
Subject: **Zoning Board of Appeals Agenda – September 17, 2025**

New Hearings:

- 25-030 15 Monroe Avenue – Kings Contracting and Property Maintenance LLC
- 25-031 3975 Albany Street – F & D Builders
- 25-032 120 & 130 Cordell Road – Vision Planning Consultants, LLC

Adjourned Hearings:

- 25-018 15 Edenfield Street – Chigozie Nwosu
- 25-026 435 New Karner Road – Whitman Holdings, LLC
- 25-022 302 Troy Schenectady Road – Woodhaven Land Partners #2, LLC



Peter G. Crumme
Town Supervisor

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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 **17th day of September 2025, at 7:00 p.m.** to hear the appeal of **Kings Contracting and Property Maintenance 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 **15 Monroe Avenue**. The proposed construction of a 40-foot by 24-foot two-story addition with a 3-foot front yard setback on a corner lot (Day Street) 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(C)(1), 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 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 September 4, 2025

Application for Zoning Verification and Building/Zoning Permit

RECEIVED
211 5th
BUILDING DEPT.

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

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

Permit No. 2202500999

INSTRUCTIONS

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

SITE PLAN REQUIRED

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

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

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

Address of Site: 15 Monroe
Colonie NY 12110
City State Zip

Property Owner's Name: King's Contracting
(Applicant)
Address: 1 Oakland Ave
Colonie NY
City State Zip
Phone W _____ H/Cell 269 1270

Property Owner's Email: _____

Contractor's Business Name: King's Contracting
(insurance must match business name)

Address: 1 Oakland Ave
City State Zip
Phone W _____ Cell 269 1270

ESTIMATED COST \$ 210,000 Flr. Area _____

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

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

INSURANCE INFORMATION REQUIRED

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

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

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

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

Contractor's General Liability

Insured's Name _____
(must match business name)

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

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

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

FOR OFFICIAL USE ONLY

The application of _____ Dated _____, 20____

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

Reason for approval (refusal) of permit: _____

Proposed use: _____

Variance Granted # _____

Dated: _____, 20____

PROPOSED ACTION:

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

b) Is the proposed action a: New Building Addition Renovation
 Accessory Structure Garage Shed Deck Pool Other

Home Occupation:
 Accessory Dwelling Unit

Describe the proposed use or construction in detail: RENOVATE EXISTING DWELLING AND
CONSTRUCT 40'x24' ADDITION

c) Gross Floor Area: Existing: 1400 square feet
Proposed: 1500-500 square feet
Total: 1900 square feet

d) Parcel is located in a R1 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: 60'x100' 7.14 acre 0.1600 ± sq. ft.

Is this a corner lot? Yes No If yes, corner lot: feet 60 Through lot? Yes No

Does the parcel front upon a developed public street? Yes No If yes, length of frontage on street: feet 100

Building Setbacks:	Existing	Proposed
Front Yard Depth:	feet <u>22</u>	feet <u>22</u>
Left Side Yard:	feet <u>15-21</u>	feet <u>18-26</u>
Right Side Yard:	feet <u>15</u>	feet <u>15</u>
Rear/Front Yard Depth:	feet <u>18-21</u>	feet <u>18</u>
Existing Building Height (at peak):	feet <u>20</u>	stories <u>1</u>
Proposed Height (at peak):	feet <u>22</u>	stories <u>2</u>

APPROVAL / DISAPPROVAL

DISAPPROVED

BY TOWN OF COLONIE BUILDING DEPT.

APPROVAL IS VALID FOR 1 YEAR

SIGNATURE: [Signature]

PRINT NAME: M. [Signature]

DATED: 21 Jun 25

TITLE IN COMPANY: _____

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

FOR OFFICIAL USE ONLY

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

Dated: 6/25/25

[Signature]
SIGNATURE OF ZONING OFFICER

The proposed construction of a 40-foot by 24-foot two-story addition with a 3-foot front yard setback on a corner lot (Day Street) 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(C)(1), and 190 Attachment #3 - Dimensional Table for Prior Established Lots.

Are there easements on the property	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is existing use nonconforming	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Parcel in/near a floodplain	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Variance granted on property	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Parcel in/near a wetland	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Subdivision of record on file	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
On/near a protected watercourse	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Does the Grandfather Provision apply	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Copy of assessor's card(s) attached	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	If yes, Pre-1987 <input type="checkbox"/> 1987 to 2006 <input type="checkbox"/>	
Copy of County tax map attached	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Existing Violation or outstanding permit	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

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, Kings Contracting and Property Maintenance LLC of 15 Monroe Avenue (S.B.L. # 31.8-2-10), 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 40-foot by 24-foot two-story addition with a 3-foot front yard setback on a corner lot (Day Street) 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(C)(1), 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:

I have a small property with existing house that is a few feet from front property lines

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:

replacing the existing house to meet code would be physically and financially problematic

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 am requesting to rebuild existing house with a second story and add a two car garage addition

Attached hereto is a plot plan of said property, showing

together with

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

MY RENOVATION AND EXISTING TO THE STRUCTURE WILL KEEP WITH 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)

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: Bryan Smith
Print Name: Bryan Smith
Address: Oakland St Watram NY 12110

STATE OF
COUNTY OF

SS:

Owner or lessee if other than above

Subscribed and sworn to before me this

day of

[Signature]

Victoria Norman
Notary Public State of New York
Qualified in Albany County #01106190776
Commission Expires 08/04/2025

Name _____
Mailing _____
Address _____

**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:		
Project Location (describe, and attach a general location map): 15 monroe Ave Latham NY 12110		
Brief Description of Proposed Action (include purpose or need): 40'x24' TWO STORY ADDITION W/ A 3' FRONT YARD SETBACK. SINGLE FAMILY RESIDENTIAL USE		
Name of Applicant/Sponsor: Bryan Smith		Telephone: 518-269-1278
		E-Mail: Bryan.Smith2013@icloud.com
Address: Oakland St		
City/PO: Latham	State: New York	Zip Code: 12110
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 Council, 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 type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input 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 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 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 type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	

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 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? North Colonial

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

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

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)?
Residential

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: 10 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.

	One Family	Two Family	Three Family	Multiple Family (four or more)
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: Latham
- 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

• Do existing sewer lines serve the project site?
 • Will a line extension within an existing district be necessary to serve the project?
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

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

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

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. _____

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

 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

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

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

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (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.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • 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 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: _____

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 6 NYCRR Part 666? Yes No

F. Additional Information

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

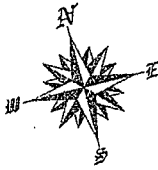
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

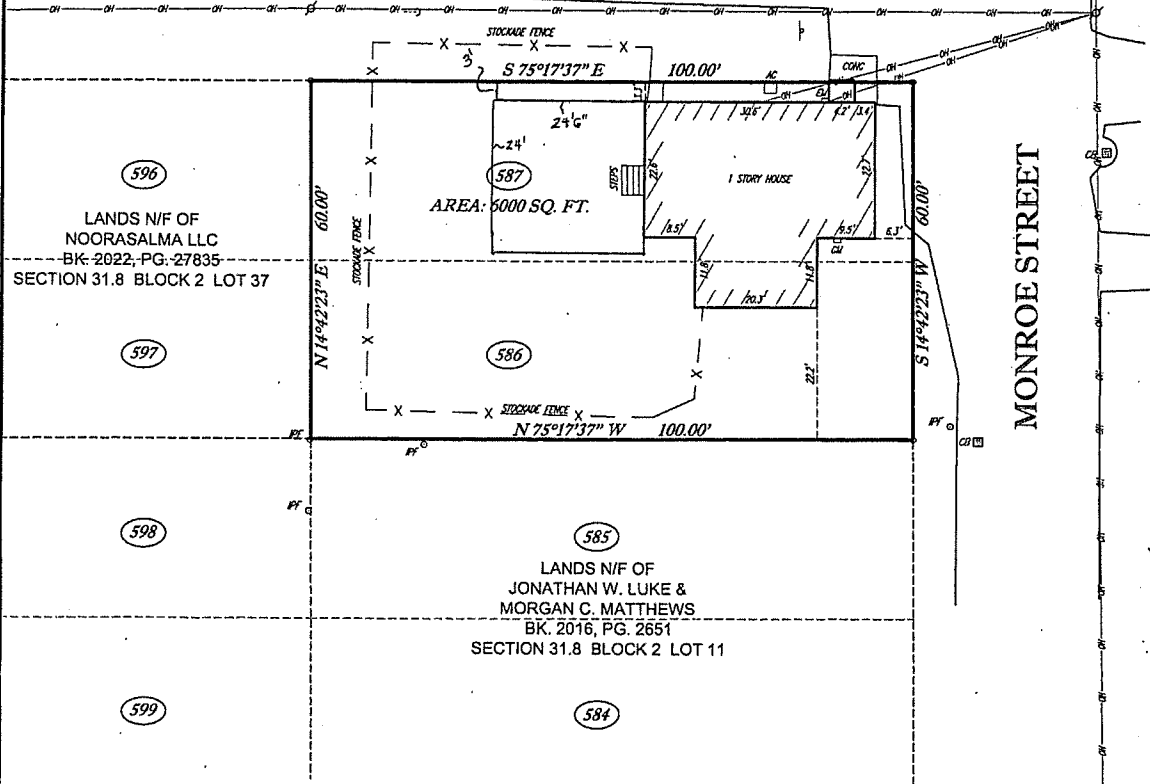
Applicant/Sponsor Name Bryan Smith Date 7/31/25

Signature [Signature] Title _____



RECEIVED
 MAR 10 2025
 TOWN OF COLONIE
 Building & Fire Services Department
 Initials: *MS*

DAY STREET



MONROE STREET

TAX PARCEL NUMBER:

TOWN OF COLONIE, ALBANY COUNTY, NEW YORK
 SEC. 31.8 - BLK. 2 - PARCEL 10

DEED REFERENCES:

1. JAMES R. ROMANO JR. TO JAMES R. ROMANO III, DATED APRIL 26, 2021 AND RECORDED IN THE ALBANY COUNTY CLERKS OFFICE UNDER INSTRUMENT NUMBER R2021-13020.

MAP REFERENCES:

1. "MAP OF COLONIE TERRACE NO. 2." PREPARED BY A. E. ELLIOT, CIVIL ENGINEER, DATED JUNE 20, 1913, AND FILED IN THE ALBANY COUNTY CLERKS OFFICE ON JULY 24, 1913, IN BOOK NO. 28, MAP NO. B31.

GENERAL NOTES:

HORIZONTAL DATUM IS NEW YORK STATE PLANE EAST ZONE, ESTABLISHED FROM GPS OBSERVATIONS AT THE TIME OF SURVEY (NAD83)

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 INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

SURVEYED FROM RECORD DESCRIPTION AND AS IN POSSESSION.

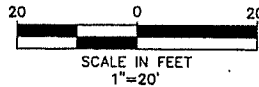
SUBJECT TO COVENANTS, EASEMENTS, RESTRICTIONS, CONDITIONS AND AGREEMENTS OF RECORD.

SURVEY SUBJECT TO ANY RIGHT, TITLE OR INTEREST THE PUBLIC MAY HAVE FOR HIGHWAY USE.

SURVEY SHOWN IS SUBJECT TO ANY SUBSURFACE CONDITIONS THAT MAY EXIST, IF ANY.

LEGEND:

- CRF ○ CAPPED IRON ROD FOUND
- CRS ○ CAPPED IRON ROD SET
- IR ○ IRON ROD FOUND
- IP ○ IRON PIPE FOUND
- MW ⊞ MONUMENT FOUND
- ETRC □ ELECTRIC TRANSFORMER
- LP ○ LIGHT POLE
- WV ⊞ WATER VALVE
- UP ○ UTILITY POLE
- HD ⊞ HYDRANT
- OW — OVERHEAD WIRES
- EM □ ELECTRIC METER
- GM □ GAS METER



15 MONROE STREET		
SURVEY MAP OF THE LANDS OF JAMES R. ROMANO III		
TOWN OF COLONIE	ALBANY COUNTY, N.Y.	
SCALE: 1"=20'	FEBRUARY 17, 2025	
DRAWN BY: TDP	PROJECT NO: 25-3864	VINCENT P. AUSFELD P.L.S. LICENSE #046597 www.awslslp.com
AUSFELD & WALDRUFF LAND SURVEYORS LLP 323 CLINTON STREET, SCHENECTADY NY PHONE: (518) 346-1595 FAX: (518) 770-1655		
DATE: AW		



TOWN OF COLONIE

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

Peter G. Crummev
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 **17th day of September 2025, at 7:00 p.m.** to hear the appeal of **F & D Builders** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **3975 Albany Street**. The proposed construction of a 2,148-square-foot two-story single-family dwelling on an 8,704±-square-foot lot with a 21-foot front yard setback on a corner lot (Arrow Street) is not compliant with the 12,000-square-foot minimum lot size and 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 VI, Section 190-24, 190-26(A), and Attachment #3 – Dimensional Table for Prior Established Lots. The Zoning Board of Appeals will hear the request for variance from the provisions of the Code of the Town of Colonie, Chapter 190 to permit such construction and use and a SEQR Determination for such appeal. The public may view and listen to the Zoning Board of Appeals hearing on the Town's website by typing <https://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 September 4, 2025

Application for Zoning Verification and Building/Zoning Permit

RECEIVED

JUL 09 2025

TOWN OF COLONIE
Building & Fire Services Department
Initials SW Counter

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

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

Permit No. _____
Z 2025 00735

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 signer 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: 3975 ALBANY ST.
Colonie N.Y. 12304
City State Zip
Property Owner's Name: F+D BLONIS
(Applicant)
Address: 395 CONANT RD
Schuyler N.Y. 12304
City State Zip
Phone W _____ H/Cell 518-464-0262

Property Owner's Email: Yankee13162@yahoo
contact
Contractor's Business Name: FED DELUCCIA
(insurance must match business name)

Address: P.O. Box 442
NEWTONVILLE N.Y. 12128
City State Zip
Phone W _____ Cell 518-857-4480

ESTIMATED COST \$ 175K Flr. Area 2000

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

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

INSURANCE INFORMATION REQUIRED

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

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

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

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

Contractor's General Liability

Insured's Name _____
(must match business name)

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

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

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

FOR OFFICIAL USE ONLY

The application of _____ Dated _____, 20____
Is hereby approved (disapproved) and permission granted (refused) for the construction, reconstruction, or alteration of a building and/or accessory structure as set forth on this application.
Reason for approval (refusal) of permit: _____

Proposed use: _____

Variance Granted # _____

Dated: _____, 20____

PROPOSED ACTION:

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

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

Describe the proposed use or construction in detail: BUILD A NEW ONE FAMILY HOME WHICH REPLACES THE FORMER COUNSEL STORE THAT WAS PREVIOUSLY REMOVED.

c) Gross Floor Area: Existing: 1321 square feet (REMOVED)
 Proposed: 2000 2148 square feet (NEW)
 Total: 2000 2148 square feet

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

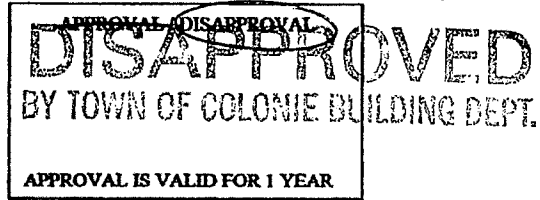
SITE INFORMATION: (DO NOT COMPLETE THIS SECTION IF THERE WILL BE NO EXTERIOR ALTERATION OF THE STRUCTURE/SITE)

Size of lot: _____ acre 8.704 sq. ft. ARROW ST

Is this a corner lot? Yes No If yes, corner lot: feet 143 Through lot? Yes No

Does the parcel front upon a developed public street? Yes No If yes, length of frontage on street: feet 60' ALB ST. 143' ARROW ST.

Building Setbacks:	Existing	Proposed
Front Yard Depth:	feet <u>25.9</u>	feet <u>30.31</u>
Left Side Yard:	feet <u>2.0</u>	feet <u>11.4</u>
Right Side Yard:	feet <u>7.3</u>	feet <u>7.3</u>
Rear Front Yard Depth:	feet <u>8.2</u>	feet <u>21</u>
Existing Building Height (at peak):	feet <u>1 1/2</u>	stories <u>2</u>
Proposed Height (at peak):	feet <u>20</u>	stories <u>2.8</u>



ALB ST

ARROW ST

SIGNATURE: FED DELUCA

PRINT NAME: FED DELUCA

DATED: 7/5/25

TITLE IN COMPANY: AGENT

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: 7/16/25

[Signature]
SIGNATURE OF ZONING OFFICER

The proposed construction of a 2,148-square-foot two-story single-family dwelling on an 8,704±-square-foot lot with a 21-foot front yard setback on a corner lot (Arrow Street) is not compliant with the 12,000-square-foot minimum lot size and 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 VI, Section 190-24, 190-26(A), and Attachment #3 - Dimensional Table for Prior Established Lots.

- | | | | |
|-------------------------------------|---|--|---|
| Are there easements on the property | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Is existing use nonconforming | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Parcel in/near a floodplain | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Variance granted on property | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Parcel in/near a wetland | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Subdivision of record on file | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| On/near a protected watercourse | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Does the Grandfather Provision apply | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Copy of assessor's card(s) attached | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | If yes, Pre-1987 <input checked="" type="checkbox"/> 1987 to 2006 <input type="checkbox"/> | |
| Copy of County tax map attached | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Existing Violation or outstanding permit | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| S.B.L.# <u>1G.7-7-13</u> | | | |

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 18, 2025

1. The undersigned, **Ted DeLucia (F & D Builders)** of **3975 Albany Street (S.B.L. # 16.7-7-13)**, 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 construction of a 2,148-square-foot two-story single-family dwelling on an 8,704±-square-foot lot with a 21-foot front yard setback on a corner lot (Arrow Street) is not compliant with the 12,000-square-foot minimum lot size and 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 VI, Section 190-24, 190-26(A), and 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:

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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

together with _____

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

SEE ATTACHED

5. **FOR APPLICATION FOR INTERPRETATION ONLY.** State grounds upon which appellant asserts that the order, requirement, decision, interpretation or determination of the Building Department Manager as stated in paragraph 1. above, is incorrect. (Attach additional pages if necessary) _____

N/A

The undersigned, being duly sworn, deposes and says that he has read the foregoing document and knows the contents thereof and that the facts set forth therein are true to the best of his knowledge, information and belief.

Signed *Ted DeLucia*

Print Name TED DELUCIA

Address P.O. Box 442

NEWTONVILLE NY 12128

Owner or lessee if other than above

STATE OF
COUNTY OF

SS:

Subscribed and sworn to before me this 30th day of July, 2025

Name _____
Mailing _____
Address _____

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

Zoning Board Variance Appeal for : 3975 Albany St.

Appeal form attachment :

2 (a) Appellant alleges: 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 unusual conditions are this parcel is within a Single Family Residential zoning district which formerly had a corner store for decades and was removed a few years ago. What remains is the large blacktop parking lot. The corner store was a non-conforming use surrounded by all residential properties. Our proposal is to build a new one family home on this vacant residential lot.

2 (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 Construction & Zoning Law as follows:

The practical difficulty and unnecessary hardship related to our proposal is to increase the lot size to the grandfather requirement of 12,000 sq. ft. Whereas, the former store was on the same size 8,704 Sq. Ft. lot that used much more area for the building and the large blacktop parking lot on both streets. This has been a lot of record since the subdivision was created in the early 1900's and there is no land to add to this parcel.

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 Construction & Zoning Law to said property, to the following specific extent:

Our proposal is to build on this previously developed 8,704 sq. ft. lot with a one family home that will have larger front yard setbacks on both Albany St and Arrow St. based on this is a corner lot. In addition we will remove the entire blacktop parking lot creating much more green space and face the home on Arrow St. with the driveway access which is much safer than using Albany St as the former corner store used.

4) Appellant further alleges that such variance would be in harmony with the spirit of the Building Construction & 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 granting of such variance, for the following reasons:

Building a one family home is the permitted use rather than the former corner store and will mirror image the neighborhood residential uses. We will increase the greenspace which will improve the storm water issues and comply with the new regulations by installing a drainage practice design by an engineer. The public safety will be better as we will be using Arrow St for our driveway and not using Albany St.

617.20
Appendix B
Short Environmental Assessment Form

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:			
Project Location (describe, and attach a location map): 3975 Albany St Albany NY 12205			
Brief Description of Proposed Action: Build a new one family home on a vacant lot			
Name of Applicant or Sponsor: Vision Planning Consultants LLC		Telephone: 518-857-4486	
		E-Mail: visionplanningconsultants@gmail.com	
Address: PO Box 442			
City/PO: Newtonville		State: NY	Zip Code: 12128
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 type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Building Permit			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		8,704 Sq. Ft. acres	
b. Total acreage to be physically disturbed?		1,500 Sq. Ft. acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		8,704 Sq. Ft. acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input 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			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Ted DeLucia</u>	Date: <u>April 13, 2025</u>	
Signature: <u><i>Ted DeLucia</i></u>		

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

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

NO.	DATE	REVISION
1	07/01/2025	ISSUED FOR PERMIT
2		
3		
4		
5		
6		
7		
8		
9		
10		

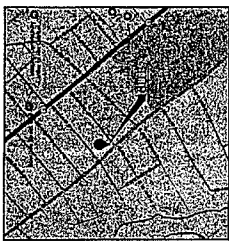
ADVANCE ENGINEERING & SURVEYING, P.L.C.
 CONSULTING IN -
 CIVIL & ENVIRONMENTAL ENGINEERING
 LAND SURVEYING & DEVELOPMENT
 COMMERCIAL AND RESIDENTIAL

11 HERBERT DRIVE, LATHAM, N.Y. 12110
 PHONE (518) 834-1711
 E-MAIL: info@advanceeng.com

DATE: JANUARY 13, 2025
 COUNTY OF ALBANY, NEW YORK
 TOWN OF COLONIE
 STREET NO. 3976 ALBANY STREET
 OF LANDS KNOWN AS
 PROPOSED PLOT PLAN

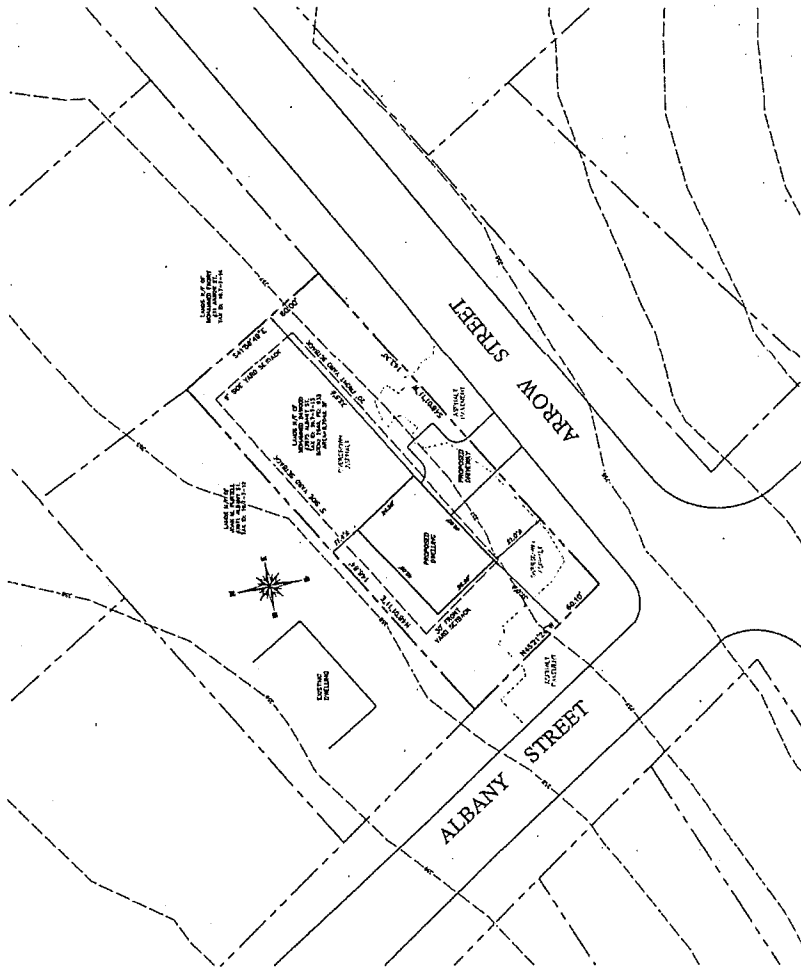
SCALE: 1" = 20'

SHEET NO. PPP



SITE LOCATION MAP
N.T.S.

- MAP NOTES:**
1. BOUNDARY SURVEYS FROM WHICH THIS MAP WAS PREPARED ARE OF THE HIGHEST ACCURACY AND DO NOT CONSTITUTE AN ACTUAL SURVEYING PLAN.
 2. THE MAP REPRESENTS 18.07 - 7 - 13.
 3. THE SURVEYING WORK WAS CONDUCTED BY ADVANCE ENGINEERING & SURVEYING, P.L.C. ON BEHALF OF THE CLIENT. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED TO ADVANCE ENGINEERING & SURVEYING, P.L.C. FOR THIS SURVEY.
- MAP REFERENCE:**
1. THE SHOWN LOCATION OF BUILDINGS AND IMPROVEMENTS IS BASED ON THE RECORD DRAWINGS OF THE TOWN OF COLONIE, COUNTY OF ALBANY, STATE OF NEW YORK, AS PREPARED BY ARCHIBOLD & ASSOCIATES, INC. THE LAST RECORDED DATE IS 08/14/2001.

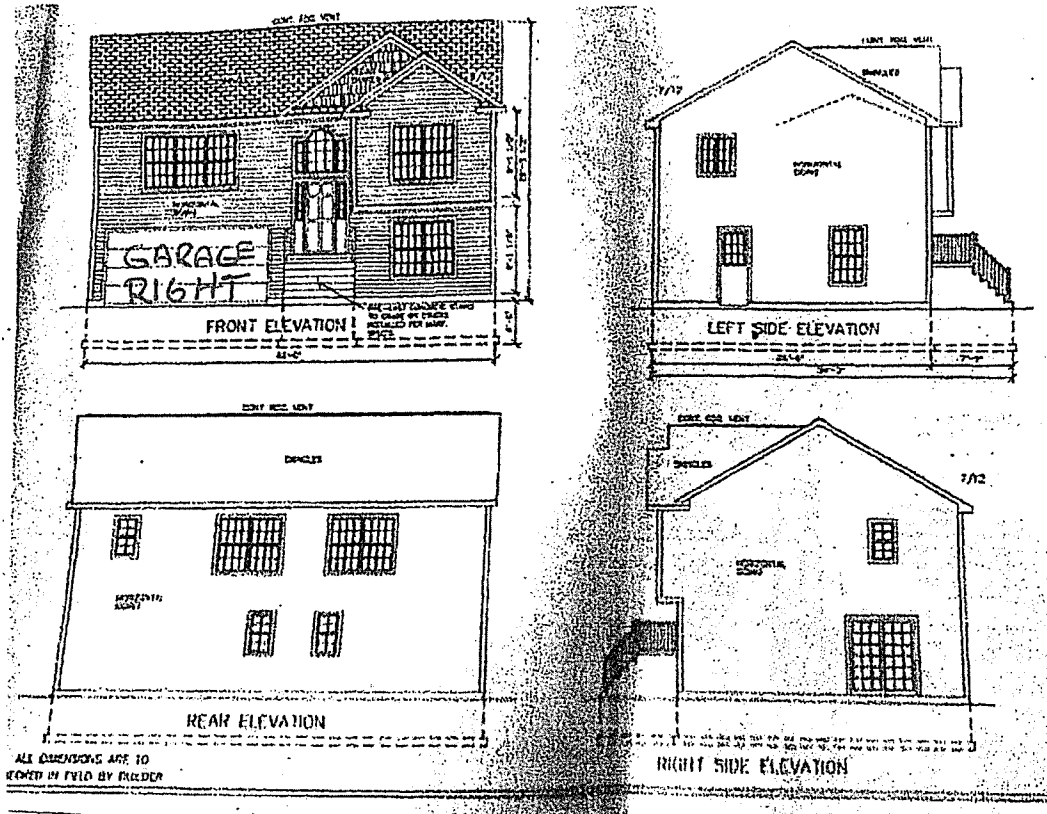


ZONING AND LAND USE:
 CHAPTER 109 ATTACHMENT 3
 TOWN OF COLONIE
 DIMENSIONAL TABLE FOR PROPOSED ESTABLISHED LOTS

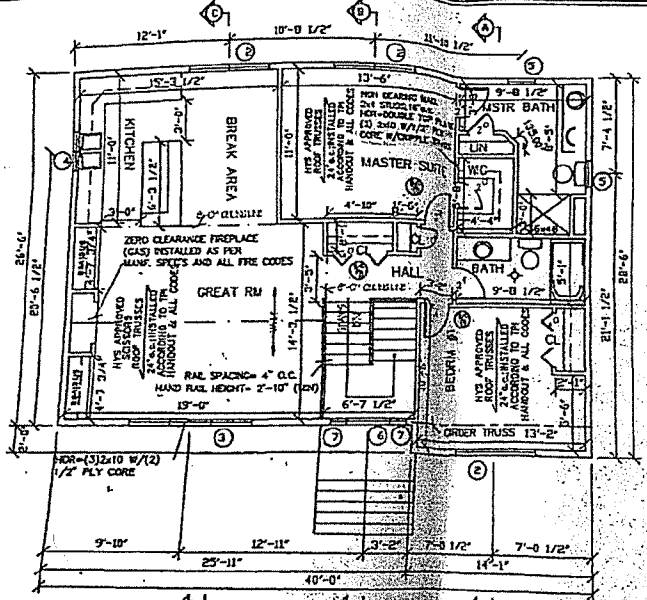
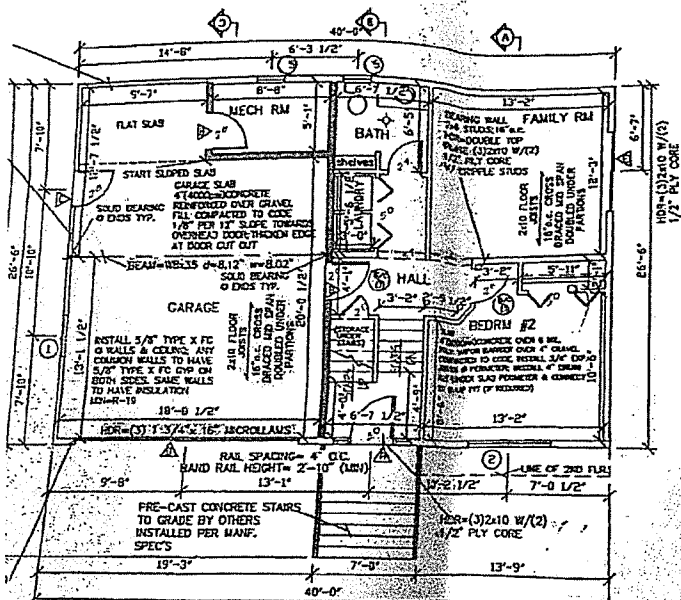
LOT ESTABLISHED PRIOR TO:	WOODMONT HEIGHTS 1 - BUILDING AND LOT REQUIREMENTS		YARD REQUIREMENTS	
	MINIMUM FRONT YARD SETBACK (feet)	MINIMUM SIDE YARD SETBACK (feet)	MINIMUM FRONT YARD SETBACK (feet)	MINIMUM REAR YARD SETBACK (feet)
18-1887	10	5	10	5
11-2008	10	5	10	5

RECEIVED
 JUL 1 8 2025
 BUILDING DEPT.





REVERSE PLAN GARAGE RIGHT SIDE



PLAN
18
GS
=1644.69

MECH LIGHTING/EXHAUST MUST BE VENTED TO EXTERIOR AS PER CODE

SMOKE/CARBON MONOXIDE ALARM W/ BATTERY BACK-UP; HARD WIRED AND INTERCONNECTED ON SEPARATE CIRCUIT

NOTE: ALL DIM BE CHECKED IN

Points of Interest regarding an area variance for - 3975 Albany St.

- **This property lies within a Single Family Residential zoning district on the corner of Albany St. and Arrow St. which formally was a small retail corner store. This store was removed a few years ago and the parcel has remained vacant. Our proposal is to build a new one family home on this site. As part of our proposal we were denied based on Zoning Code 190-26 (a) Attachment 3 , Dimensional Table prior established lots due to our existing lot size of 8,704 sq. ft. does not comply with the minimum 12,000 sq. ft. When you further refer to this Code footnote #4 states, "the minimum lot area requirement of 12,000 sq. ft. shall not apply to lots on which a principal structures have been lawfully constructed" Also, footnote 1(c) refers to "nothing shall prevent additional lands being added to these established lots to conform closer to the dimensional requirements of this chapter". (see attachment 1) I raised these concerns to the building department based on our 8,704 sq. ft. lot proposal fits within this lot size regulation which had a principal structure and makes reference no need to comply with the 12,000 sq. ft. to rebuild as long as we improve the required setbacks which we are doing. The reason explained for the denial was because the building was removed more than 18 months ago, the lot is not protected by this provision. After my research I do not find anywhere in this Code or other Codes that references if a structure was removed more than 18 months ago that this foot note #4, minimum lot size provision is not applicable to our proposal. The only reference in the code that applies to an 18 month time frame is Code 190-34 "If you are replacing a non-conforming use on said parcel". This is not our proposal however; the building department advised me we can discuss this one issue further at our variance meeting due to our proposal still needs a front yard setback variance from Arrow St.**
- **So our appeal is to build a new one family home on the existing 8,704 sq. ft. lot and increase the front yard setbacks on Albany St and Arrow St. The former corner store had a 25 foot front yard setback on Albany St. and 8.3 foot front yard setback on Arrow St. (see attachment 2) Our proposal is to build a one family 3 bedroom raised ranch with a 30 foot front yard setback on Albany St. which complies and a 21 foot front yard setback on Arrow St. which needs a variance. Also, the lot size will remain as it always did for the corner store which is 8,704 sq. ft. Instead of the grandfather provision of 12,000 sq. ft. Also, the former corner store building occupied 1,325 sq. ft. of lot coverage area whereas the new one family home will only occupy 1,060 sq. ft. or 265 sq. ft. less. Plus, we are increasing the green space by removing 1,890 sq. ft. of the blacktop parking lot and only replacing it with a typical 2 car driveway with a back around space of 570 sq. ft. Therefore we are increasing the green space to 81% instead of the previous 63% of the former store. This is very important to have more pervious area to comply with the Storm Water Dept. regulations.(see proposed survey)**

- **As an example of this existing residential neighborhood please refer to (attachment 3). This shows numerous developed parcels with one family homes on lots that range from 4,274 sq. ft. to 8,917 sq. ft. Also, next to our subject property I was issued a building permit earlier this year to build a new one family home on an 8,917 sq. ft. after we removed the existing one family home. The lots with the (X) symbol are the only ones located close to ours that comply with the 12,000 sq. ft. grandfather requirement. Lastly, please note the parcel shown on the corner of Lansing Rd So. and Albany St. is the same house we will build using the same contractor which also was approved by the ZBA. These examples reflect our proposal is within the character of this residential neighborhood. (see attachment 4)**
- **Lastly, we are facing the house towards Arrow St. with a two car garage driveway entrance which is much safer than an entrance onto Albany St. that was used by the corner store. We comply with the front yard setback on Albany St and are increasing the front yard setback on Arrow St. at least two and half times greater. Plus, our proposal to rebuild this property with a new one family home is a permitted use in this zoning district. Whereas the former corner store use was a non-conforming use which had a great deal more negative impact being a commercial use. Due to the higher amount of customer traffic and parking area which also included deliverers. Whereas a residential house will fit in with the nature of residential uses and are very consistent within this neighborhood.**
- **This is a brief overview and I look forward to further discussions at our meeting.**

ZONING AND LAND USE

190 Attachment 3

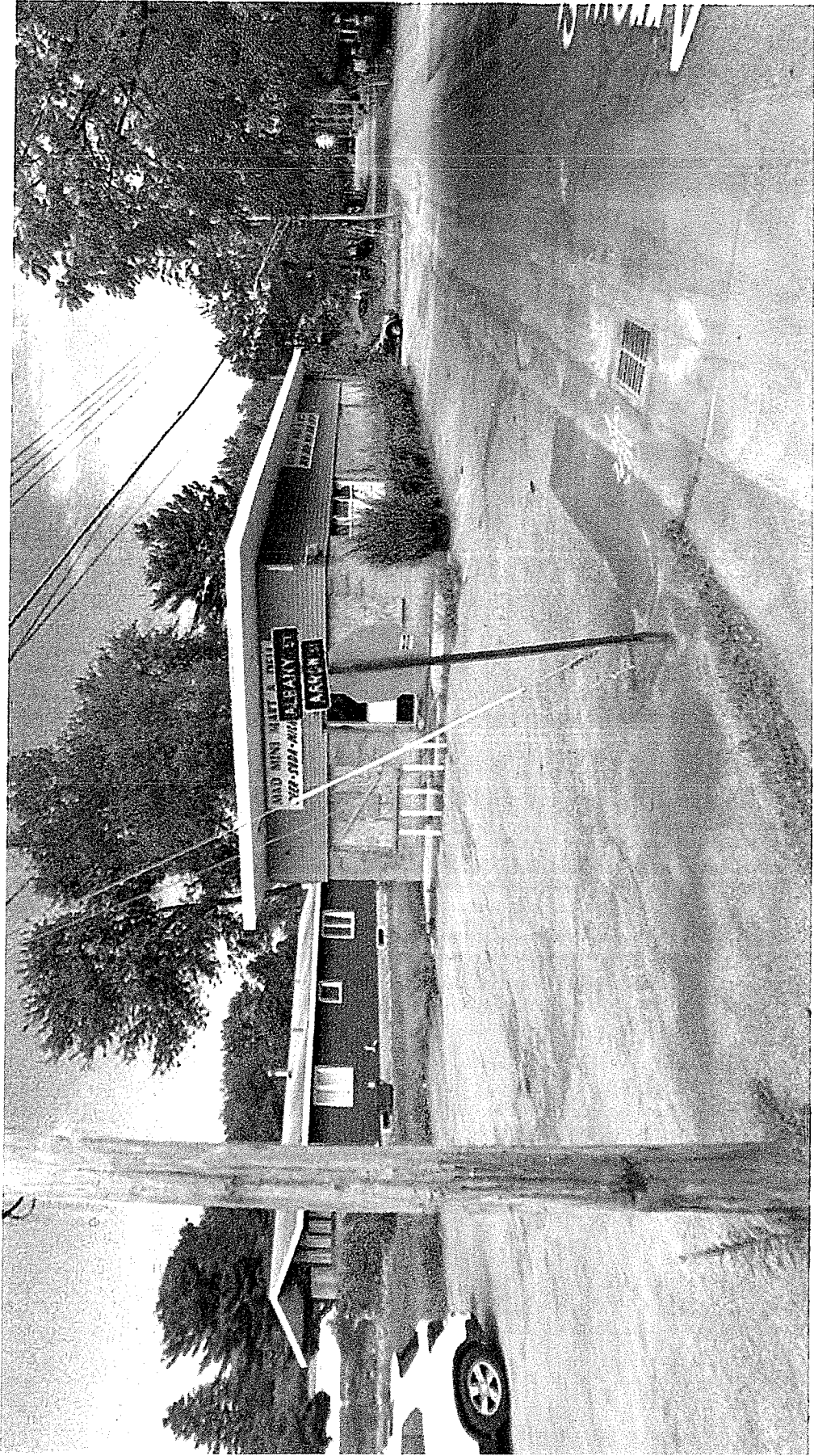
Town of Colonic

Dimensional Table for Prior Established Lots
[Amended 6-28-2007 by L.L. No. 10-2007]

Lot established prior to:	Maximum Height ¹		Lot Requirements				Yard Requirements	
	Feet	Stories	Maximum Building Footprint (% of lot area)	Lot Area Minimum (square feet)	Lot Width Minimum (feet)	Front Setback Minimum (feet)	Side Setback Minimum Each Side/Total of Two Sides (feet)	Rear Setback Minimum (feet)
8-6-1987	40	3	45% of lot area	12,000 ²	75 ³	30	5/14	25
11-2-2006	40	3	35% of lot area	16,000	80 ³	40	10/20	25

1. A lot shall be considered established if:
 - (a) It was a lawfully created existing lot as of the date specified in the chart, or
 - (b) It was shown on a subdivision plan for which the Town of Colonic Planning Board granted concept approval or for which the Town of Colonic Town Board authorized development of a cluster subdivision on or before August 6, 1987, and the final subdivision plan was approved and filed in the Albany County Clerk's office on or before August 6, 1991.
 - (c) It was shown on a subdivision plan for which the Town of Colonic Planning Board granted concept approval or for which the Town of Colonic Town Board authorized development of a cluster subdivision on or before October 5, 2006, and the final subdivision plan is approved and filed in the Albany County Clerk's office on or before January 1, 2009.
- Nothing herein shall be construed to prevent the addition of land to an established lot such that it more closely conforms to the dimensional requirements of this article.
- With the exception of porch towers, spira, bellies, flagpoles, water tanks, elevator buildings, or railway enclosures, if the lot is included in a subdivision plan filed in the office of the Albany County Clerk, and such plan requires a greater front setback than that specified in the chart, the greater requirement shall be applicable.
- ¹ This minimum lot area requirement shall not apply to lots on which a principal structure has been lawfully constructed.
- ² The minimum lot width shall be 15 feet at the front lot line, and 75 feet at the front building setback line for each front yard.
- ³ The minimum lot width shall be maintained continuously between the front lot line and the front building setback line for each front yard.

#2

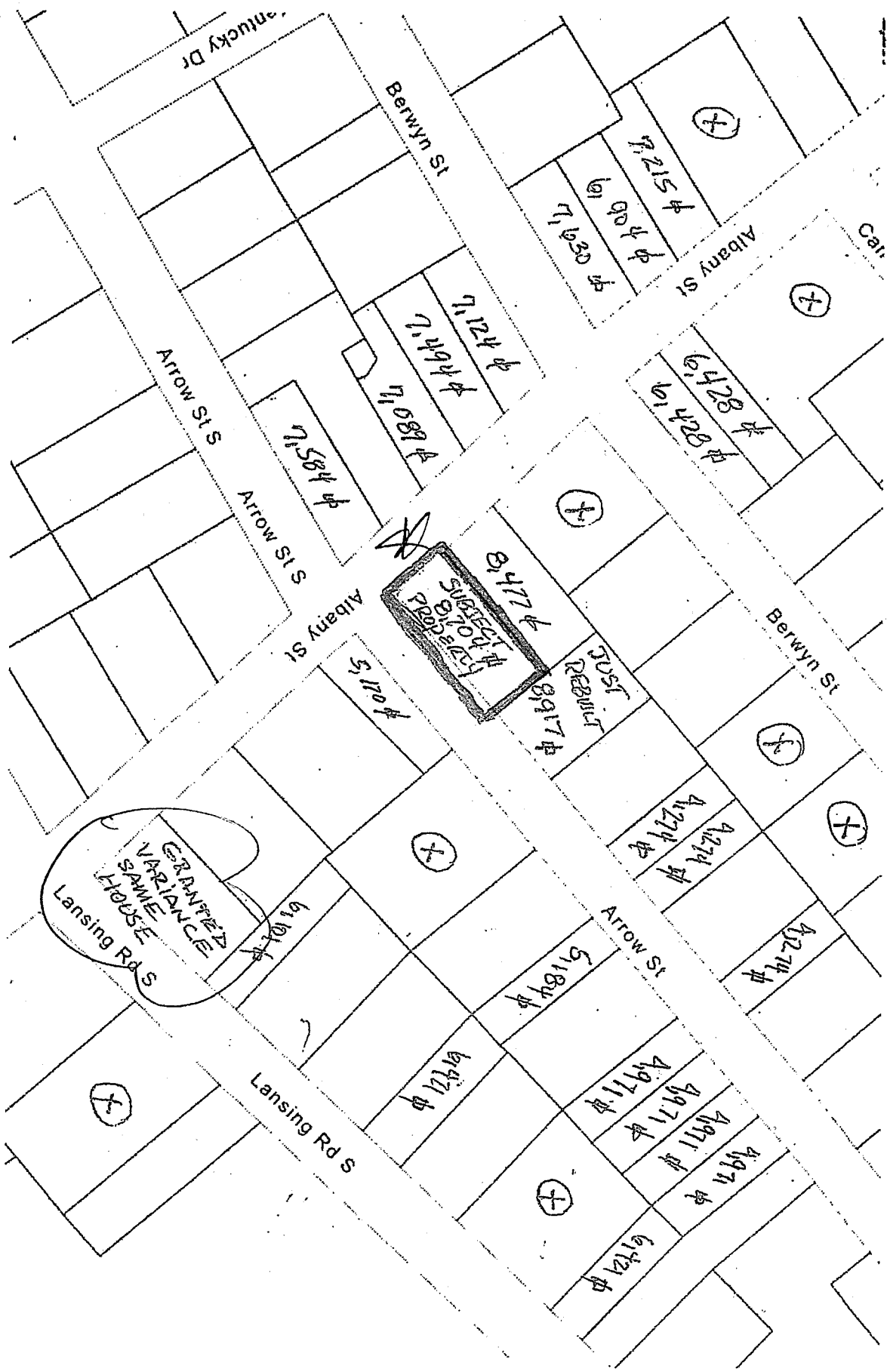


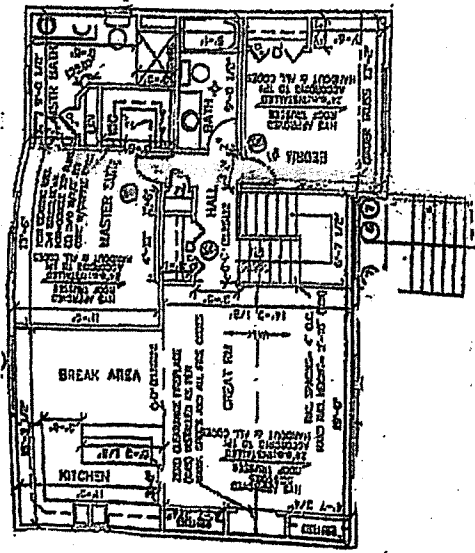
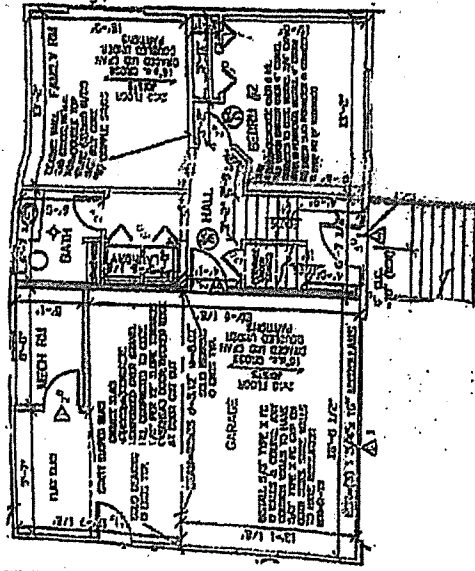
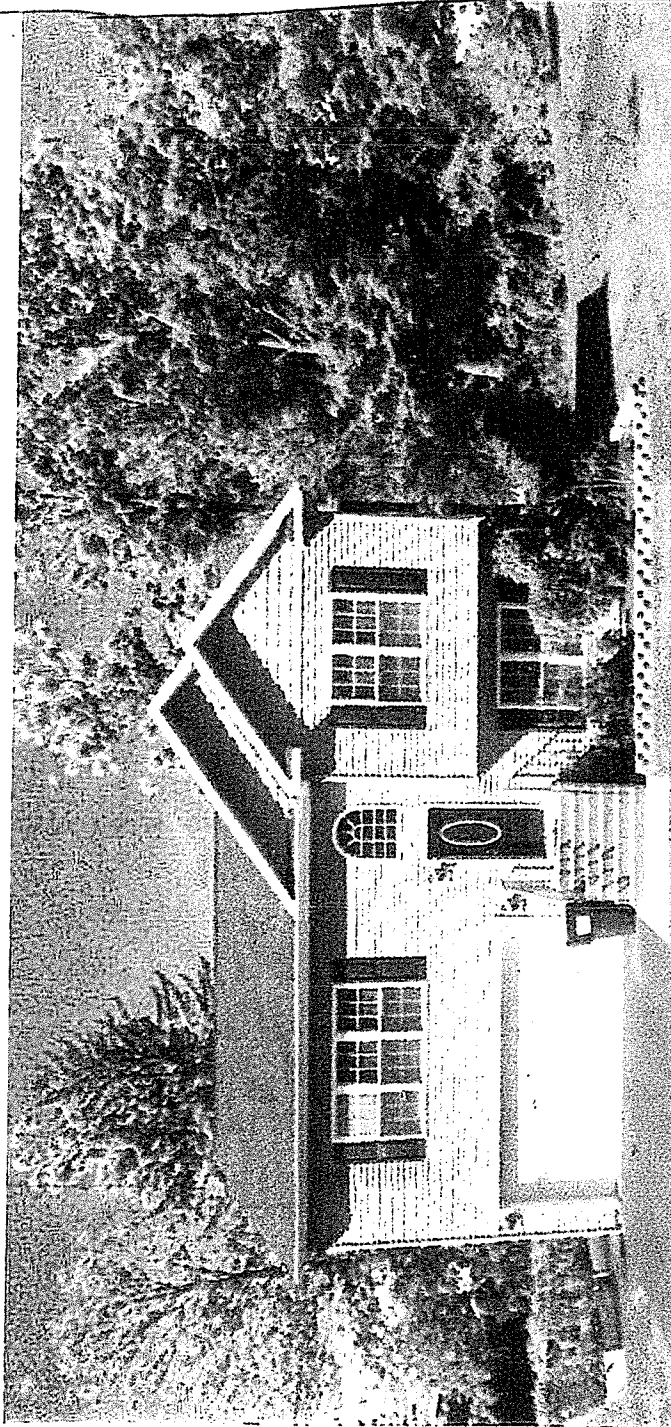
STORE

CORNER

FORMER

#3





THIS HOUSE AT 33 CAUSING RD, IS THE SAME AS OURS WHICH WAS APPROVED BY THE ZBA

Area Variance Criteria for: 3975 Albany St.

Addressing the detriment to the character of the neighborhood:

This proposal will have to detrimental impact to the neighborhood based on our proposal is to build a new one family home which replaces a former corner store. Therefore the character of a home, which is a permitted use, mirror images what is developed within this neighborhood.

Addressing the feasibility as to if we can achieve this approval through a different method:

This lot size is the same as when it was created and developed for decades and there are no other lands to add to this parcel. The larger grandfather lot size provision does not reflect the character of the lot sizes within this neighborhood.

Addressing whether this is a substantial variance:

This reduced lot size is not substantial based on it mirror images the neighborhood and is consistent for development of one family homes within these smaller sized communities.

Addressing the adverse effect on the physical and environmental impact:

The parcel is already cleared which had the former corner store and remains vacant only with the remaining parking lot. The new build will not create a negative environmental, physical or safety impacts.

Are the alleged difficulties self-created and relevant to preclude the granting of the area variance.

This technically is not a self-created request based on the lot has been this way since it was created in the subdivision and was previously developed with a former corner store. We are proposing to replace this with a one family home which is permitted use and removing the parking lot and using less of the parcels area to conform with our surrounding neighbors.



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 **17th day of September 2025, at 7:00 p.m.** to hear the appeal of **Vision Planning Consultants, 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 **120 Cordell Road**. The proposed lot line adjustment of 120 and 130 Cordell Road will result in a nonconforming lot at 120 Cordell Road with a frontage of 50 feet which is not compliant with the minimum lot frontage of 100 feet and the requirement to maintain continuous minimum lot width between the front lot line and the front building setback line in the Industrial (IND) zoning district as stated in the Town of Colonie Land Use Law Article II, Section 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://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 September 4, 2025



BUILDING AND FIRE SERVICES DEPARTMENT
TOWN OF COLONIE
 PUBLIC OPERATIONS CENTER
 347 OLD NISKAYUNA ROAD
 LATHAM, NEW YORK 12110-2286

(518) 783-2706
2202500353

RECEIVED
 APR 16 2025
 TOC
 BUILDING DEPT.

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:

120+130 CORDELL RD SCHUY N.Y. 12304
 Number Street City State Zip Code

Name of Applicant: VISION PLANNING CONSULTANTS LLC

Address of Applicant: PO. Box 442 NEWVILLE N.Y. 12128
 Number Street City State Zip Code

Applicant's telephone numbers: W _____ Cell 518-857-4486

Contact Person TER DEWIS

Contact Person's Address
 Number Street City State Zip Code
SAME

Contact Person's telephone numbers: W _____ Cell _____

Property Owner(s): SL EMPIRE SOLAR + JAY DOG PROPERTIES LLC

Address of Property Owner: 120+130 CORDELL RD SCHUY N.Y. 12304

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.
 Minor Subdivision / Merger (1 - 4 lots) \$210.00 Check # 173 Cash _____
 Major Subdivision / Merger (over 4 lots) \$650.00 Check # _____ Cash _____

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: 120 CORDELL RD - IS A SOLAR FARM
130 CORDELL RD - IS A TREE CUTTING
BUSINESS, WITH A WAREHOUSE

Describe the proposed subdivision / merger in detail: TAKE A SMALL PORTION OF
LANDS FROM 120 AND ADD TO 130 CORDELL RD.
THIS WILL REQUIRE AN AREA VARIANCE DUE TO
REDUCING THE LOT FRONTAGE AND FRONT SETBACK
MINIMUMS.

5. SITE STATISTICS:

How many existing parcels comprise the project site? 2
 Total number of parcels after subdivision or merger? 2
 The project site is located in what zoning district(s)? IND
 (Refer to Town of Colonic Zoning Map/Laws)
 Total area of existing parcel(s): acres 11.09, and square feet _____

Proposed Lots:

Maximum lot size: square feet 407,808
 Minimum lot size: square feet 75,547

Proposed Streets:

Streets proposed to be constructed? Yes _____ No X
 If no, is the parcel on a dedicated street? Yes X No _____
 What is the minimum right-of-way width proposed? 50 ft
 What is the minimum frontage on a street a proposed lot will have 50 ft?

Buildings:

How many units are proposed? N/A
 What are the proposed uses? SAME
 What is the density (units per acre)? N/A
 What is the maximum height of any building to be constructed? N/A feet
 Stories (if known at this time)? N/A stories

SIGNATURE OF APPLICANT: IED DeLuca
 PRINTED OR TYPED COPY OF SIGNATURE: IED DeLuca DATE 4/13/25

XXXXXXXXXXXX ZONING OFFICERS DECISION BELOW XXXXXXXXXXXX

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

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)

DISAPPROVED
 BY TOWN OF COLONIE BUILDING DEPT.

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

I, Chris Mastromanni, zoning officer of the Town of Colonic do hereby find that the proposed action as described above, and in any attachments hereto, IS IN ACCORDANCE _____ APPROVED DATE 4/21/25
 SIGNATURE OF ZONING OFFICER
 IS NOT IN ACCORDANCE _____ DISAPPROVED DATE _____
 SIGNATURE OF ZONING OFFICER

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

The proposed lot line adjustment of 120 and 130 Cordell Road will create two nonconforming lots where a minimum lot frontage of 100-feet is required and a minimum front yard setback of 50-feet is required in the Industrial (IND) zoning district as stated in the Town of Colonic Land Use Law Article II, Section 190, Attachment #2 - Dimensional Table.

483080 SF

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

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

To the Zoning Board of Appeals
Town of Colonie

Date: June 4, 2025

1. The undersigned, Ted DeLucia of Vision Planning Consultants, LLC representing 120 & 130 Cordell Road (S.B.L. # 16.1-1-47.3 & 16.1-1-48), hereby gives notice of appeal from the decision of the Building Department Director made on the 21st day of April, 2025, in refusing to issue a Building and Zoning Permit on the grounds that the same would be in violation of the provisions of the Code of the Town of Colonie for the following reason(s):

The proposed lot line adjustment of 120 and 130 Cordell Road will create two nonconforming lots where a minimum lot frontage of 100 feet is required and a minimum front building setback line of 50 feet is required in the Industrial (IND) zoning district as stated in the Town of Colonie Land Use Law Article II, Section 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:

* SEE ATTACHED

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

* SEE ATTACHED

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

* SEE ATTACHED

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

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

* SEE ATTACHED

5. FOR APPLICATION FOR INTERPRETATION ONLY. State grounds upon which appellant asserts that the order, requirement, decision, interpretation or determination of the Building Department Manager as stated in paragraph 1. above, is incorrect. (Attach additional pages if necessary) _____

N/A

The undersigned, being duly sworn (deposes and says that he has read the foregoing document and knows the contents thereof and that the facts set forth therein are true to the best of his knowledge, information and belief

Signed TED DELUCIA
Print Name TED DELUCIA
Address PO. Box 412
Newtownville N.Y. 12128

STATE OF
COUNTY OF

SS:

Owner or lessee if other than above

Subscribed and sworn to before me this 30th day of June, 2025

Name _____
Mailing _____
Address _____

Victoria Normandin
Notary Public State of New York
Qualified in Albany County #01NO6190776
Commission Expires 08/04/2027

Zoning Board Variance Appeal for : 120 & 130 Cordell Rd

Appeal form attachment :

2 (a) Appellant alleges: 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 unusual conditions are these two parcels are next to each other and 130 Cordell Rd accessory buildings are too close to 120 Cordell Rd the side property line when installed. Also, 120 Cordell Rd only has a driveway servicing 10+ acres that only has a solar farm.

2 (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 Construction & Zoning Law as follows:

If the lot line amendment was not approved 130 Cordell Rd would need to relocate three buildings to comply with the side yard setback. Also, the added lands to 130 are very important to JJ Tree Service going business.

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 Construction & Zoning Law to said property, to the following specific extent:

Allow a lot line adjustment to add the lands to 130 Cordell Rd to resolve the side yard setback issue and provide additional lands for JJ Tree Service business.

4) Appellant further alleges that such variance would be in harmony with the spirit of the Building Construction & 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 granting of such variance, for the following reasons:

These added lands will not create any negative environmental concerns or safety issues. It merely is moving a property line for the reasons mentioned.

617.20
Appendix B
Short Environmental Assessment Form

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.

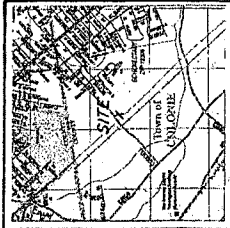
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map): 120 & 130 Cordell Rd. Albany NY 12205			
Brief Description of Proposed Action: Move a property line between both properties			
Name of Applicant or Sponsor: Vision Planning Consultants LLC		Telephone: 518 857 4486	
		E-Mail: visionplanningconsultants@gmail.com	
Address: PO Box 442			
City/PO: Newtonville		State: NY	Zip Code: 12128
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 type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		10+ 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?		10+ acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input 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			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>TRIS DELUCA</u>	Date: <u>6/16/25</u>	
Signature: <u>[Signature]</u>		

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

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



SITE LOCATION MAP
SCALE: 1" = 2000'



Parcel zoned "Industrial"
Front setback 50' min.
Rear setback 15' min.
Side setback 20' min., Total 50'

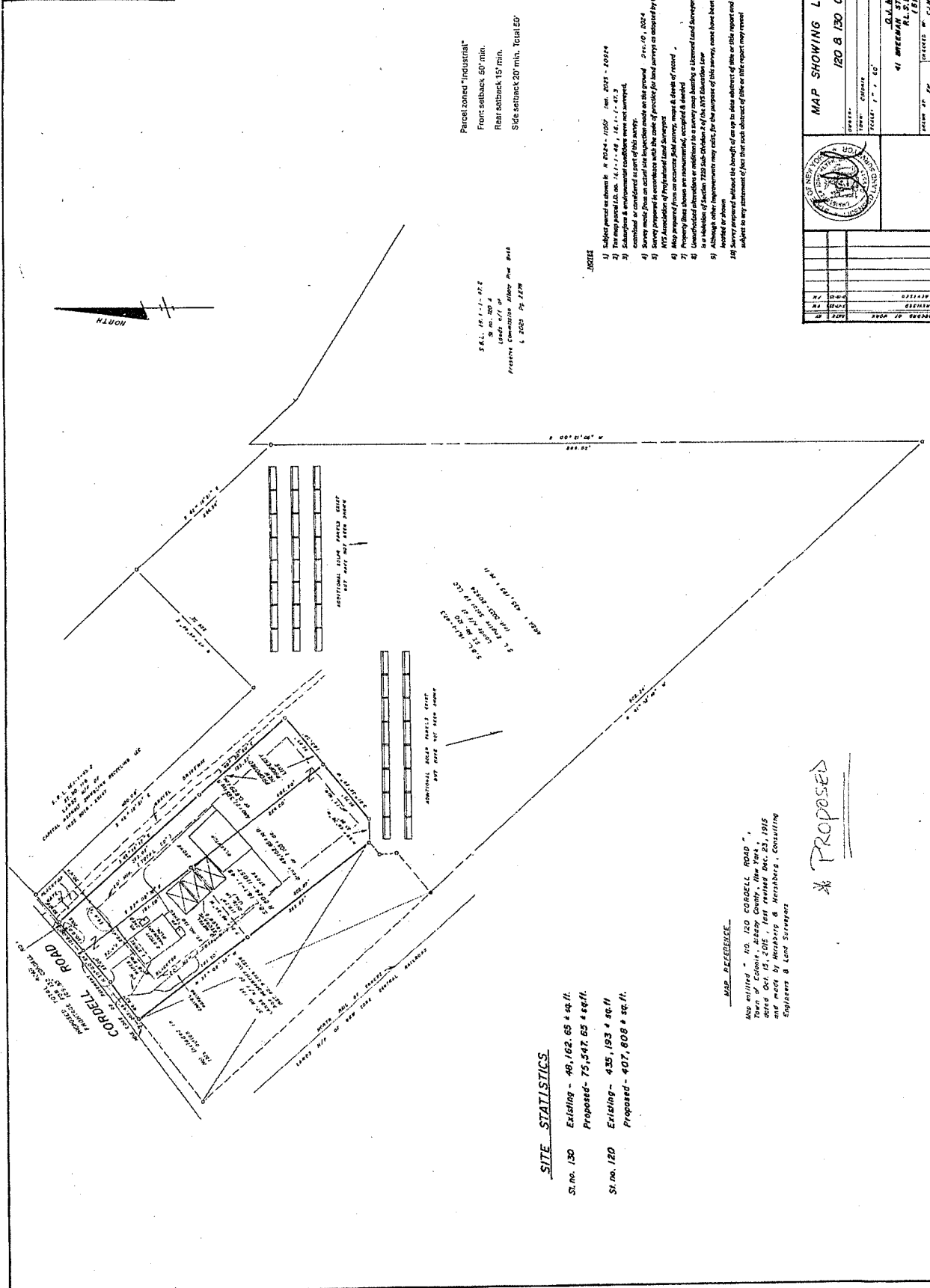
SEAL: 16-1-17-02
S. No. 120
Project: Cordell Road
S. 1000 P. 120

NOTES

- 1) Subject parcel shown by R 204-1, 2001 and 2015 - 2014
- 2) The survey was conducted on 10/12/17
- 3) Surrounding and environmental conditions were not surveyed, estimated or considered as part of this survey.
- 4) Survey made from an accurate site inspection made on the ground. The survey was conducted on 10/12/17
- 5) Survey prepared in accordance with the code of practice for land surveys as adopted by the State of New York.
- 6) All measurements were taken from the corners of the subject parcel.
- 7) Property lines shown are measurements, accepted & awarded.
- 8) Unrecorded alterations or additions to a survey made bearing a Licensed Land Surveyors seal is a violation of Section 2253 sub-section 2 of the NYS Education Law.
- 9) All measurements were taken from the corners of the subject parcel.
- 10) Survey prepared without the benefit of an up to date abstract of title or title report and is subject to any statements of fact that such abstract of title or title report may reveal.

RECEIVED
DISAPPROVED
PLANNING BOARD
401120
6/1/2018

MAP SHOWING LOT LINE ADJUSTMENT	
120 & 130 CORDELL ROAD	
DATE: 10/12/17	PROJECT: 120 CORDELL ROAD
TOWN: COLONIE	COUNTY: ALBANY
TOTAL: 1" = 50'	DATE: NOVEMBER 18, 2018
D. J. MEYER & SON 41 WHELAN STREET - ALBANY, NEW YORK REGISTERED PROFESSIONAL ENGINEER LICENSE NO. 1000711	
SCALE: 1" = 50'	PROJECT NO. 120
DATE: 10/12/17	DATE: 11/1/18



SITE STATISTICS

S. No. 120 Existing - 48,162.65 sq. ft.
Proposed - 75,542.65 sq. ft.
S. No. 120 Existing - 435,193 sq. ft.
Proposed - 407,608 sq. ft.

MAP REFERENCE

Map 411112 - RD 120 CORDELL ROAD
Town of Colonie, Albany County, New York
dated Oct. 12, 2015, last revised Dec. 23, 2015
and made by Heraberg & Heraberg, Consulting
Engineers & Land Surveyors

PROPOSED

Points of interest regarding area variance for -120 & 130 Cordell Rd.

- These parcels lie within an Industrial Zoning District. Parcel 120 has an existing Solar Farm known as SL Empire Solar and parcel 130 has an existing tree removal business known as JJ Tree service. Parcel 120 has just the assembly of solar panels on 435,193 sq. ft. of land. Parcel 130 has a warehouse with an office and three accessory storage buildings on 48,162 sq. ft. of land.
- Our proposal is to merge a portion of lands to parcel 130 on the left side and rear area. This proposal is to enlarge the lands so the three accessory storage buildings can comply with the proper zoning setbacks and additional lands can be used for the JJ Tree Service. The proposal will add 27,384 sq. ft. to parcel 130 Cordell Rd. and reduce the same amount to 120 Cordell Rd.
- This requires a lot line subdivision and an area variance due to we are reducing the lot frontage and front yard building setback line to 50 feet for each of these for parcel 120 Cordell Rd. The minimum lot width for each of these in an Industrial Zoning District is 100 feet.
- This reduction has no direct negative impact on this parcel due to there is only a driveway entrance to the solar farm within the remaining 50 feet of frontage as well as there is no building located at the front building line nor one will ever be proposed. This area of 50 feet is solely for the existing driveway entrance which is seldom used and is only for any maintenance service for the solar farm.
- As the reduction applies to parcel 120 Cordell Rd, the current NYS Town Law only requires 15 foot of frontage for emergency vehicles to access parcels as well as the Town Code requires a 24 foot wide roadway for a two lane entrance and exit if this property was ever to be further developed needing this type of higher level of requirement. Therefore, the 50 foot of frontage would still comply with these minimum requirements.
- This proposal will not create any type of negative impact or safety concern. I look forward to further discuss this proposal at our meeting.

Area Variance Criteria for: 120 & 130 Cordell Rd.

Addressing the detriment to the character of the neighborhood:

This proposal will have to detrimental impact to the neighborhood based on we are only reducing the frontage of parcel 120 which already has an existing driveway entrance to service the solar farm.

Addressing the feasibility as to if we can achieve this approval through a different method:

There is no additional land for this proposal. The reduction of this frontage is due to we are increasing the parcel size for the adjoining parcel to satisfy the setbacks and allow for much more needed lands for the JJ Tree Service.

Addressing whether this is a substantial variance:

This reduced lot frontage is not substantial based on there is already an existing driveway servicing the solar farm with no need to change anything. If the entrance driveway size ever needs to be increased we will still comply with the towns standards.

Addressing the adverse effect on the physical and environmental impact:

The area of this Industrial parcel will not be changed in any manner. We are only changing a property line with no environmental, physical or safety negative impacts.

Are the alleged difficulties self-created and relevant to preclude the granting of the area variance.

This technically is a self-created request based on the 50 feet of frontage, however we are proposing to correct a side yard setback issue and add more lands to parcel 130 for the much needed area. In doing so, there are no negative impacts causing a hardship to anyone.



TOWN OF COLONIE

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

Peter G. Crummev
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 **17th day of September 2025, at 7:00 p.m.** to hear the appeal of **Chigozie Nwosu** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **15 Edenfield Street**. The proposed construction of a 12-foot by 24-foot deck with a 15.5-foot rear yard setback is not compliant with the 25-foot minimum required setback in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article VI, Sections 190-24, 190-25, and 190 Attachment #2 – Dimensional Table. 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 September 4, 2025

5:21

100

Z202500585

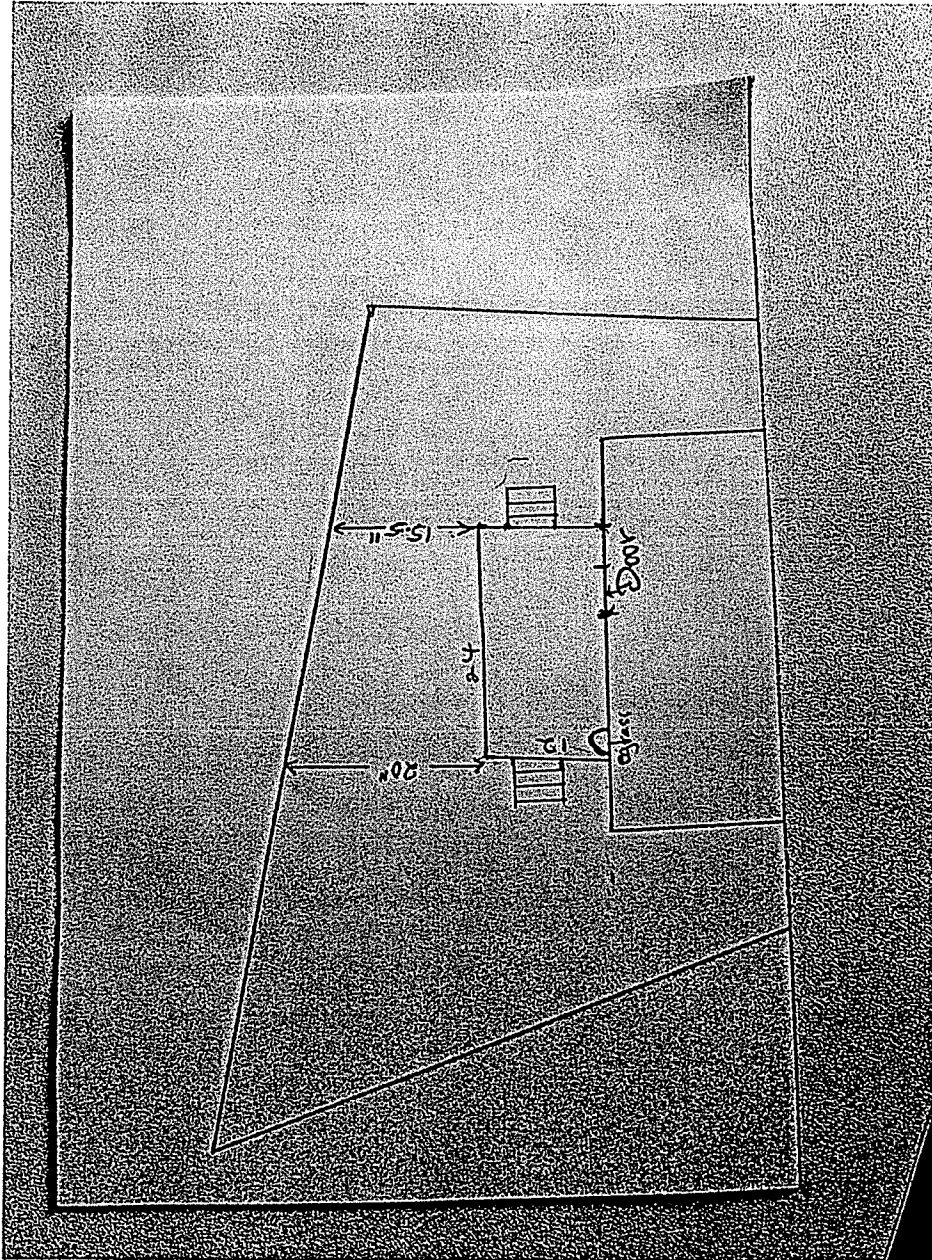
ZBA# 25-018

Yesterday

3:57 PM

...

CONTACT PERSON
Bruce WHATLEY



15 EDENFIELD ST.





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 **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



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 **6th day of August 2025, at 7:00 p.m.** to hear the appeal of **Woodhaven Land Partners #2, 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 **302 Troy Schenectady Road**. The proposed construction of an 11,200-square-foot mixed-use commercial/residential building, located in the Commercial Office Residential (COR) zoning district, with 24,000 square feet in proposed density exceeds the 11,340 square foot maximum allowable density and exceeds the maximum number of allowable residential units (proposed 6 units where 3 are 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://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