



Peter G. Crummey
Town Supervisor

TOWN OF COLONIE

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

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

Chretien T. Voerg, P.E.
Director

Date: September 18, 2024

To: Members of the Zoning Board of Appeals

From: Chretien T. Voerg, P.E., Director

Subject: **Zoning Board of Appeals Agenda – October 2, 2024**

New Hearings:

24-039 21 & 23 Overlook Avenue – Adnan Baykal

24-038 6 Morgan Way – Paul Fisk



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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 **2nd day of October 2024**, at **7:00 p.m.** to hear the appeal of **Vision Planning Consultants LLC, Agent for Adnan Baykal** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **21/23 Overlook Avenue**. The proposed construction of a new single family dwelling on a 9000± sq. ft. lot with a 30 ft. front yard setback is not compliant with the 18,000 sq. ft. minimum lot size and 40 ft. minimum front yard setback required in a Single Family Residential (SFR) Zoning District as stated in the Town of Colonie Land Use Law, Article VI, Section 190-24, 190-25, Attachment #2 – Dimensional Table. The Zoning Board of Appeals will hear the request for variance from the provisions of the Code of the Town of Colonie, Chapter 190 to permit such construction and use and a SEQR Determination for such appeal. The public may view and listen to the Zoning Board of Appeals hearing on the Town's website by typing <https://colonieny.iqm2.com/Citizens/Default.aspx> in your web browser. The public may present comments to the Board in person or by emailing infozba@colonie.org. (Emailed comments must be received at least 24 hours in advance). Such comments will be read and addressed by the Chairman during the hearing.

ZONING BOARD OF APPEALS
PETER R. CROUSE, CHAIRMAN

DATED September 18, 2024

Application for Zoning Verification and Building/Zoning Permit

RESIDENTIAL

TOWN OF COLONIE

Public Operations Center

347 Old Niskayuna Road

Latham, NY 12110-2286

Building Department

518-783-2706

Fax 518-783-2772

Permit No. _____

Z202400817

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: 21+23 OVERLOOK AVE

LATHAM N.Y. 12110
City State Zip

Property Owner's Name: ADNAN BAYKAL

(Applicant)
Address: 40 EAGAN AVE
LATHAM N.Y. 12110
City State Zip

Phone W _____ H/Cell 518-857-4486

Property Owner's Email: _____

* CONTACT PERSON: VISION PLANNING
Contractor's Business Name: CONSULTANTS
(insurance must match business name) TED DELUCA

Address: P.O. Box 442
NEWTOWN NY 12128
City State Zip

Phone W _____ Cell 518-857-4486

ESTIMATED COST \$ _____ Flr. Area _____

PERMIT FEE \$ _____

(This fee is not refundable)

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

INSURANCE INFORMATION REQUIRED

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

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

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

☐ C-105.2 ☐ U-26.3 ☐ SI-12 ☐ CE-200

Contractor's General Liability

Insured's Name _____
(must match business name)

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

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

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

FOR OFFICIAL USE ONLY

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

Reason for approval (refusal) of permit: _____

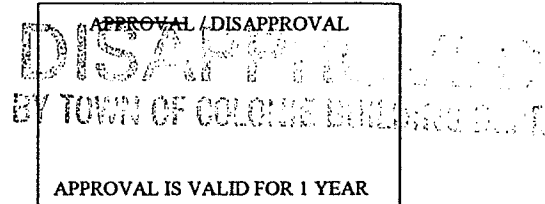
Proposed use: _____

Variance Granted # _____

Dated: _____, 20____

PROPOSED ACTION:a) Describe Present Use of Property: ☐ One Family ☐ Two Family ☒ Vacant Land ☐ Other (specify)b) Is the proposed action a: ☒ New Building ☐ Addition ☐ Renovation☐ Accessory Structure ☐ Garage ☐ Shed ☐ Deck ☐ Pool ☐ Other☐ Home Occupation:☐ Accessory Dwelling UnitDescribe the proposed use or construction in detail: MEDGING TWO LOTS TOGETHER TO BUILD A ONE FAMILY HOMEc) Gross Floor Area: Existing: _____ square feet
Proposed: 3,128 square feet
Total: 3,128 square feetd) Parcel is located in a SFR zoning district. (If unknown, verify with Building Department.)**SITE INFORMATION:** (DO NOT COMPLETE THIS SECTION IF THERE WILL BE NO EXTERIOR ALTERATION OF THE STRUCTURE/SITE)Size of lot: _____ acre 9,000 sq. ft.Is this a corner lot? Yes ☐ No ☒ If yes, corner lot: feet _____ Through lot? Yes ☐ No ☒Does the parcel front upon a developed public street? Yes ☒ No ☐ If yes, length of frontage on street: feet 90**Building Setbacks:**

	Existing	Proposed
Front Yard Depth:	feet <u>30</u>	feet <u>30</u>
Left Side Yard:	feet <u>15</u>	feet <u>15</u>
Right Side Yard:	feet <u>15</u>	feet <u>15</u>
Rear Front Yard Depth:	feet <u>25</u>	feet <u>25</u>
Existing Building Height (at peak):	feet <u>26</u>	stories <u>2</u>
Proposed Height (at peak):	feet <u>26</u>	stories <u>2</u>

SIGNATURE: TED DEWEAPRINT NAME: TED DEWEADATED: 7/19/24TITLE 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 ONLYI, 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: 7/29/24

SIGNATURE OF ZONING OFFICER

The proposed construction of a New Single Family Dwelling on a 9000+ sq. ft. lot with a 30' front yard setback is not compliant with the 18,000 sq. ft. minimum lot size and 40' minimum front yard setback required in a Single Family Residential (SFR) Zoning District as stated in the Town of Colonie Land Use Law, Article VI, Section 190-24, 190-25, Attachment #2 – Dimensional Table

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

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

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

You may now file for a:

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

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

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

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

To the Zoning Board of Appeals
Town of Colonie

Date: August 5, 2024

(being) (owner)
1. The undersigned, (representing) the (lessee) of (identify property by lot and block or otherwise) SBL (#21-31.8-2-25.1)(#23-31.8-2-24) located at 21 / 23 Overlook Avenue hereby gives notice of appeal from the decision of the (Bldg. Dept. Manager) made on the 9th day of July, 2024 in refusing to issue a Building and Zoning Permit on the ground that the same would be in violation of the provisions of the Code of the Town of Colonie for the following reason(s):

2. The proposed construction of a New Single Family Dwelling on a 9000± sq. ft. lot with a 30' front yard setback is not compliant with the 18,000 sq. ft. minimum lot size and 40' minimum front yard setback required in a Single Family Residential (SFR) Zoning District as stated in the Town of Colonie Land Use Law, Article VI, Section 190-24, 190-25, Attachment #2 – Dimensional Table

2. Appellant alleges:

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

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) _____

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 Cris DeLuca

Print Name Cris DeLuca

Address P.O. Box 442

NEWTOWNVILLE NY 12128

Owner or lessee if other than above

STATE OF
COUNTY OF

SS:

Subscribed and sworn to before me this 28th
day of August 2024

Name _____

Mailing _____

Address _____

Victoria Normandin
Notary Public State of New York
Qualified in Albany County #01906190776
Commission Expires 08/04/2028

12/10/14

Zoning Board Variance Appeal for : 21& 23 Overlook Ave .

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 with this proposal is lot 23 Overlook Ave was previously owned by the Albany Land Bank based on it was delinquent on taxes due to the property itself was so small and not able to be used for any purpose. So, the applicant pursued to purchase lot 23 to then merge with lot 21 to create a larger parcel of land which would better comply with the zoning requirements within the surrounding neighborhood for development. This exercise also removed a parcel of land off of the unpaid tax roll.

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:

As mentioned we are merging two smaller vacant parcels together to enlarge the lands to better comply with the current zoning standards. As a result of this merger we are requesting a variance for a 30 foot front yard setback which is the standard setback in this surrounding neighborhood and a lot size of 9,000 sq. ft. which also is the standard lot size in this neighborhood.

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

We are proposing a 30 foot front yard setback and a lot size of 9,000 sq. ft. both of which is the general existing standard on how the properties were developed within this subdivision. Also, we are complying with the current frontage lot width and side yard and rear yard setbacks.

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:

By granting this variance there will be no negative or detrimental impact to the neighborhood. The parcels to be developed are open area with our neighbor to the rear is North Colonie Schools which is 12 acres of vacant land. Any development will need subdivision approval which will require drainage engineering and all town department approvals.

Short Environmental Assessment Form

Part I - Project Information

Instructions for Completing

Part I - Project Information. The applicant or project sponsor is responsible for the completion of Part 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 I - Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map): 21+23 OVERLOOK AVE LATHAM N.Y. 12110			
Brief Description of Proposed Action: MERGE TWO VACANT PARCELS TOGETHER TO BUILD A NEW ONE FAMILY HOUSE			
Name of Applicant or Sponsor: VISION PLANNING CONSULTANTS LLC		Telephone: 518-857-4466	
Address: P.O. Box 442		E-Mail: VISIONPLANNINGCONSULTANTS@GMAIL	
City/PO: NEWTONVILLE		State: N.Y.	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 ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: BUILDING PERMIT		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		9.000 acres 1.500 acres 9.000 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☐	☒
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☒
<u>TOWN APPROVED SYSTEM</u>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>IED DELUX</u> Date: <u>8/9/24</u>		
Signature: <u>IED Delux</u> Title: <u>Agent</u>		

Project:

Date:

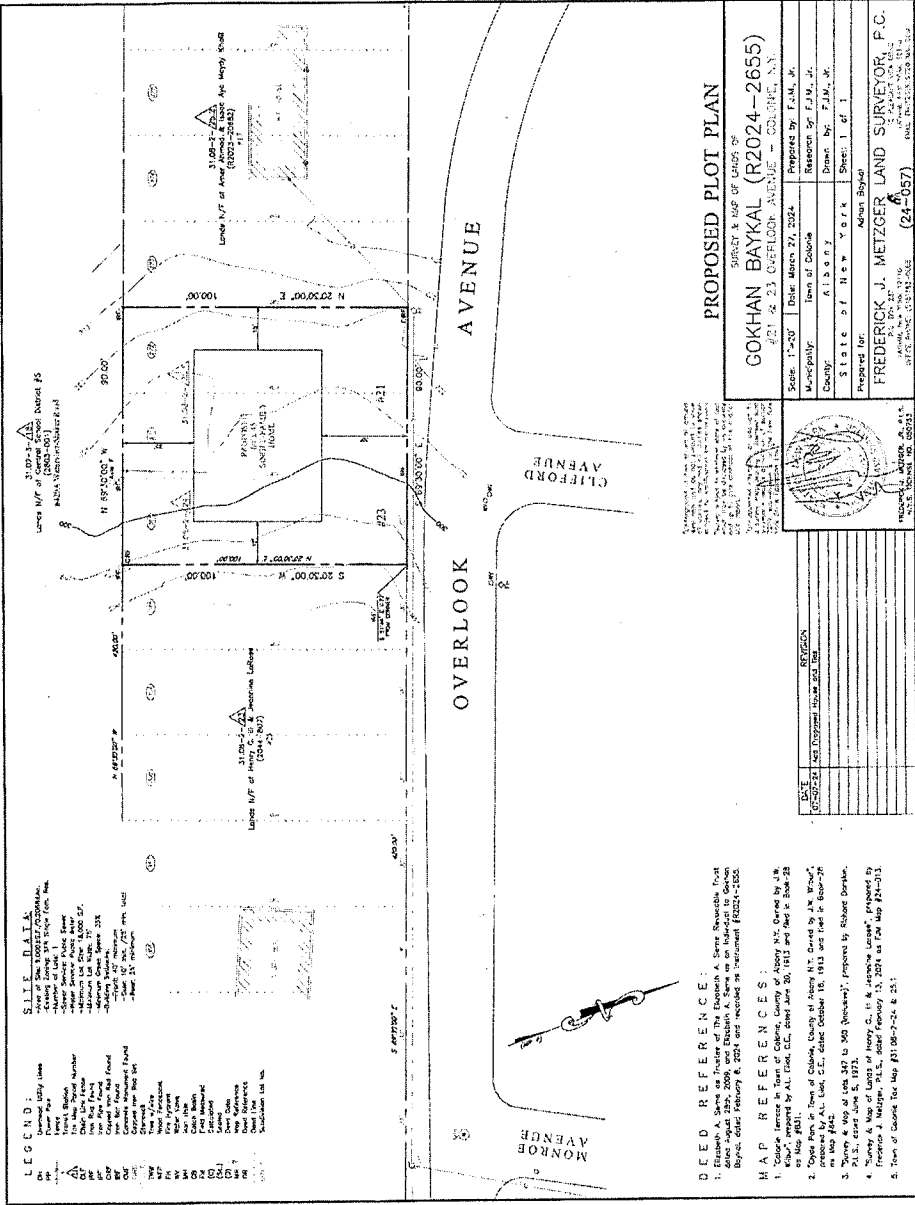
Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

PRINT FORM



PROPOSED PLOT PLAN

SURVEY & MAP OF LOTS OF
GOKHAN BAYKAL (R2024-2655)
421 & 23 OVERLOOK AVENUE - COLOMBUS, N.Y.

Scale: 1"=20'	Date: March 27, 2024	Prepared by: F.J.M., Jr.
Municipality: Albany	Town of Colonie	Recorded by: F.J.M., Jr.
County: Albany	State of New York	Sheet: 1 of 1
Prepared for:	Adrian Baykal	
FREDERICK J. METZGER LAND SURVEYOR, P.C. ALBANY, NEW YORK 12206 STATE LICENSE NO. 024537		

- DEED REFERENCE:**
1. "Deed of Gift, dated February 6, 2024, and recorded as Instrument R2024-1555, between Gokhan Baykal and Adrian Baykal, both parties being duly sworn, and the said Gokhan Baykal being duly acknowledged to Gokhan Baykal, dated February 6, 2024, and recorded as Instrument R2024-1555.
- MAP REFERENCES:**
1. "Survey of Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 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Points of interest for an area variance – 21 & 23 Overlook Ave

- **The proposal and property in question are currently two vacant parcels that are within a Single Family Residential zoning district. These were originally three parcels in the Colonie Terrace/Clyde Park subdivision that was created in 1913. Originally the lots were three with 30 foot of width but many decades previous lot 21 became larger by merging two of the three lots together. This obviously left lot 23 unchanged with a 30 foot lot width and 3,000 sq. ft. Recently, lot 23 became the property of the Albany Land Bank due to being delinquent on taxes and was purchased by Mr. Baykal with the intent to merge it with lot 21 for development.**
- **Based on Mr. Baykal ownership of these parcels we are proposing to merge them together and create a larger parcel for the construction of a new one family home. Based on this proposal we have already removed lot 23 off the Albany Counties delinquent tax roll. The reason the parcel became this way is because it was so small that no use was permitted. Our merger proposal will take lot 21 with 6,000 sq. ft. and merge it with lot 23 with 3,000 sq. ft. to create a 9,000 sq. ft. lot which is extremely similar to the existing developed parcels in this much older subdivision. Also, our 90 foot of frontage and our side yard and rear yard setbacks comply with the current zoning requirements. We are asking for relief for our front yard setback of 30 feet and our reduced lot size. However, when researching the neighborhood the majority of this much older subdivision mirror images the same lot size and front yard setback that we are proposing.**
- **We are proposing a beautiful one family home with two stories and a two car garage which will allow for much needed off street parking. What is also unique about this property is that our neighbors to both the left and right side are a significant distance away as to not cause any negative impact. Also, our neighbor to the rear is North Colonie Schools which is all wooded vacant lands totaling 12 acres.**
- **This property is already serviced by town water and sewer. The lots are open space with very little trees on the left side. The proposed driveway access is on a portion of the road which is safe. As you are aware based on this being a subdivision merger this requires drainage engineering as part of the subdivision approval by all town departments.**
- **This is a brief overview of our proposal and we look forward to further discussion.**



New York State, Maxar

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ALEXANDRIA

THE CHESAPEAKE



ELEVATION A:
DOUBLE SQUARE COLUMNS AT
FRONT PORCH
THREE FLAT HEADERS

ELEVATION B:

SHAKE SIDING IN THREE GABLES
CULTURED STONE WAINSCOTING IN
FRONT OF STUDY WITH TWO RETURN
WALLS



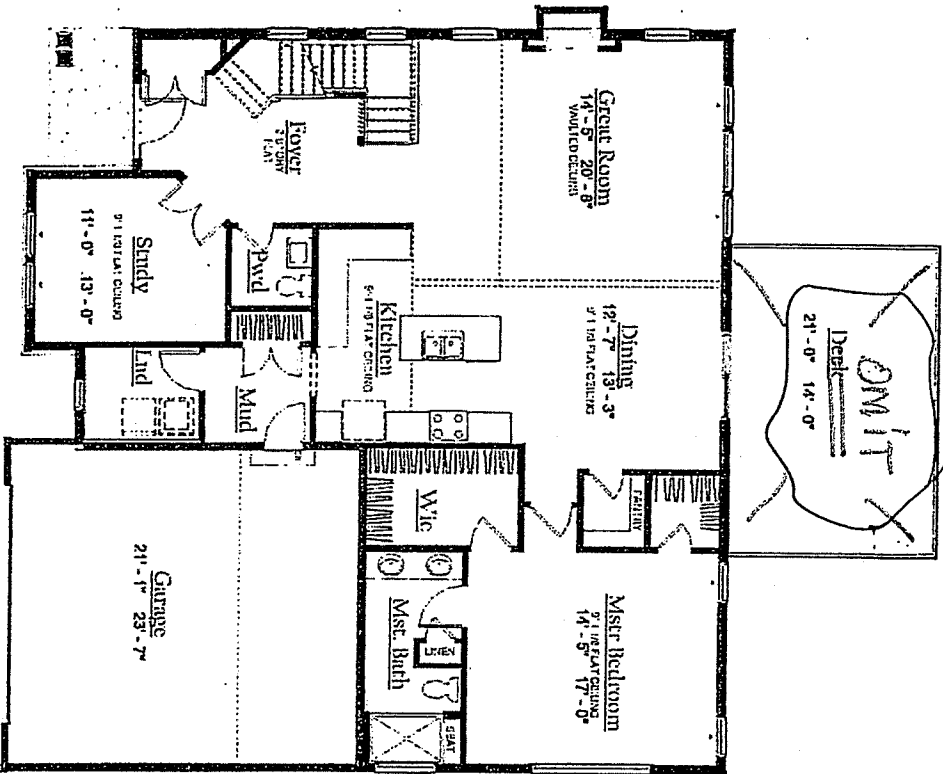
ELEVATION C:

VERTICAL SIDING AND BRACKETS (8)
IN GARAGE AND TWO UPPER GABLES
CULTURED STONE WAINSCOTING IN
FRONT OF HOUSE AND GARAGE WITH
RETURN WALLS TO LAUNDRY AND
FOYERS



www.belmontebuilders.com
518.371.1000

Some features shown may be optional. Please consult your salesperson for pricing. Optional features may change square footage.



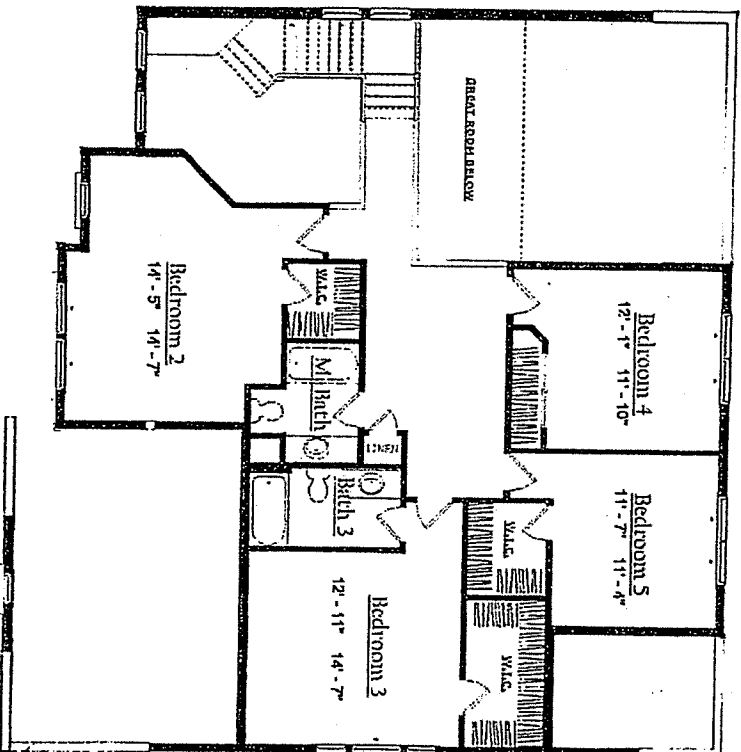
FIRST FLOOR PLAN

HEATED AREA...

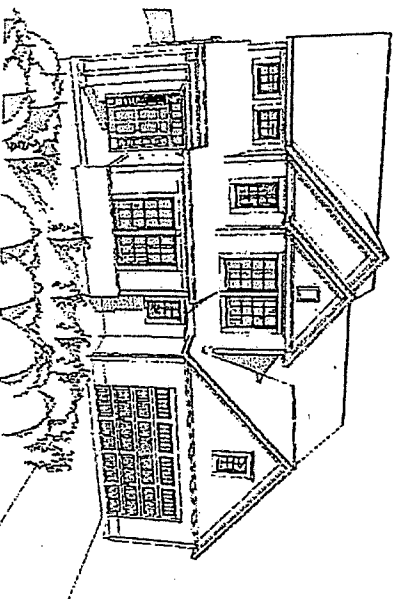
GARAGE AREA
GARAGE 533 SF

FIRST FLOOR HEATED	1783 SF
SECOND FLOOR HEATED	1344 SF

312856



SECOND FLOOR PLAN



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Area Variance Criteria for: 21 & 23 Overlook Ave

Addressing the detriment to the character of the neighborhood:

This proposal to merge two vacant parcels together to create one larger parcel for a new home is actually making this parcel less detrimental and more consistent with the surrounding neighborhood. We are increasing the lot area and making the lot with the proper width as well as with the proper side and rear yard setbacks.

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

As mentioned the method we choose is to merge two vacant lots together to increase the lot area as well as the lot frontage. This is an effort to increase the parcel size to be much closer to the surrounding older neighborhood standards and increase the lot width and side yard setbacks to comply with the current requirements.

Addressing whether this is a substantial variance:

The variance request for a 30 foot front yard setback is the standard setback within this neighborhood. Also, based on merging the two parcels together we are increasing the lot area to mirror image the majority of the surrounding neighborhood.

Addressing the adverse effect on the physical and environmental impact:

The reduced front yard setback and reduced lot area of this parcel will not create an adverse impact on the environmental, physical or safety of the neighborhood. The neighbor to the rear is the North Colonie School District which currently comprises 12 acres of vacant land

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

I assume you may treat this as a self-created request however, based on our proposal to merge two existing vacant lots together we are making the best effort possible to comply with the current zoning area requirements. Even though we are only lacking two minimum area requirements we are still proposing to develop a parcel that fits in with smaller lot sizes which is how this neighborhood was developed.

Zoning Board Variance Appeal for : 21& 23 Overlook Ave .

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 with this proposal is lot 23 Overlook Ave was previously owned by the Albany Land Bank based on it was delinquent on taxes due to the property itself was so small and not able to be used for any purpose. So, the applicant pursued to purchase lot 23 to then merge with lot 21 to create a larger parcel of land which would better comply with the zoning requirements within the surrounding neighborhood for development. This exercise also removed a parcel of land off of the unpaid tax roll.

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:

As mentioned we are merging two smaller vacant parcels together to enlarge the lands to better comply with the current zoning standards. As a result of this merger we are requesting a variance for a 30 foot front yard setback which is the standard setback in this surrounding neighborhood and a lot size of 9,000 sq. ft. which also is the standard lot size in this neighborhood.

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

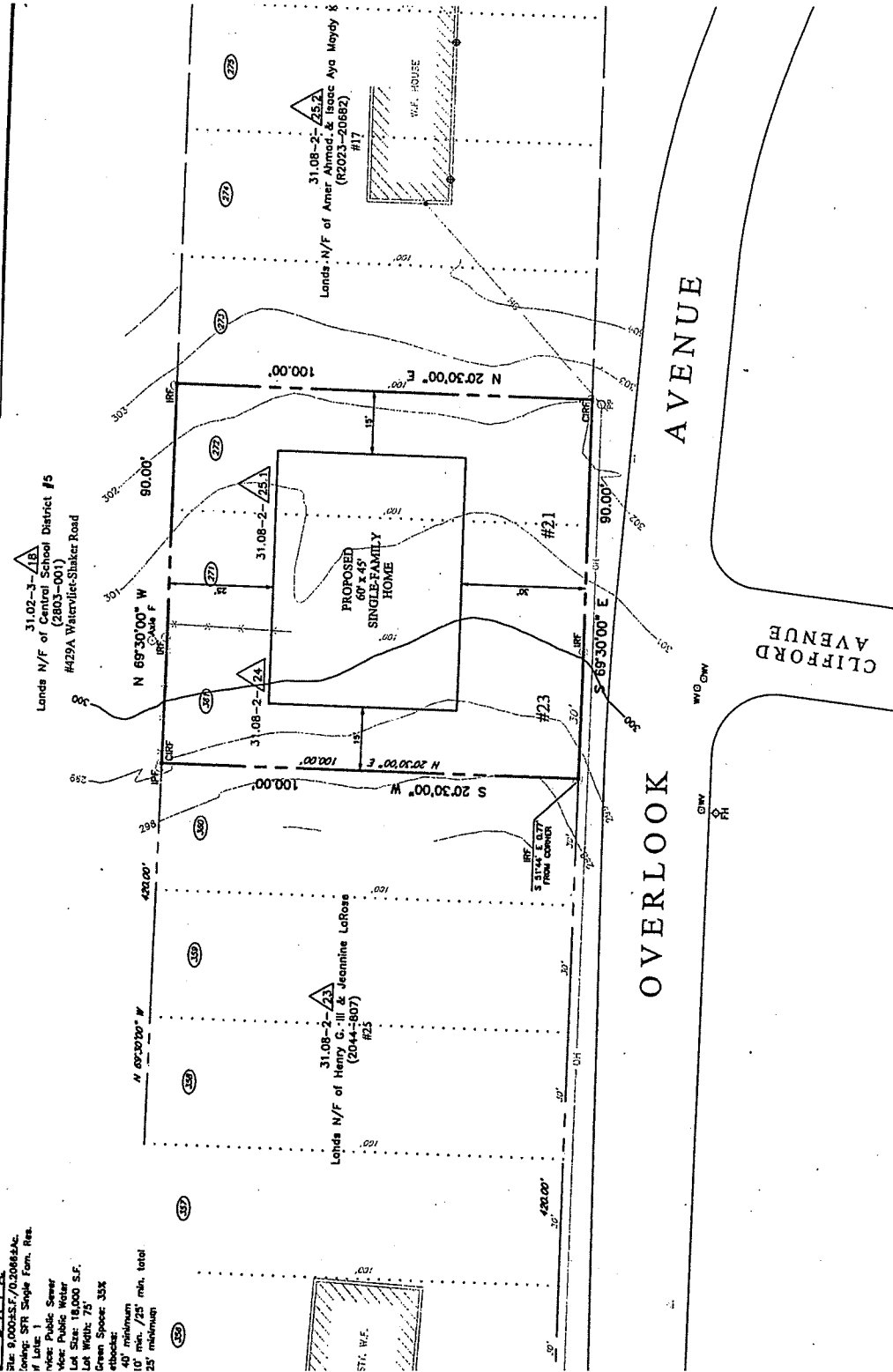
We are proposing a 30 foot front yard setback and a lot size of 9,000 sq. ft. both of which is the general existing standard on how the properties were developed within this subdivision. Also, we are complying with the current frontage lot width and side yard and rear yard setbacks.

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:

By granting this variance there will be no negative or detrimental impact to the neighborhood. The parcels to be developed are open area with our neighbor to the rear is North Colonie Schools which is 12 acres of vacant land. Any development will need subdivision approval which will require drainage engineering and all town department approvals.

DATA:

File: 9.00035.F/0.00682.A
 Job: SFR Single Fam. Res.
 Lot: 18,000 S.F.
 Max. Public Sewer
 Max. Public Water
 Lot Size: 18,000 S.F.
 Lot Width: 75'
 Green Space: 35%
 setbacks:
 40' minimum
 10' min. / 25' min. total
 25' minimum





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 **2nd day of October 2024, at 7:00 p.m.** to hear the appeal of **Paul Fisk** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **6 Morgan Way**.

The proposed construction of a 12 ft. x 16 ft. deck with a 19 ft. rear yard setback is not compliant with the 25 ft. minimum rear 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 (C) (4), Attachment #3 Dimensional Table For Prior Established Lots. The Zoning Board of Appeals will hear the request for variance from the provisions of the Code of the Town of Colonie, Chapter 190 to permit such construction and use and a SEQOR Determination for such appeal. The public may view and listen to the Zoning Board of Appeals hearing on the Town's website by typing <https://colonienny.igm2.com/Citizens/Default.aspx> in your web browser. The public may present comments to the Board in person or by emailing infozba@colonie.org. (Emailed comments must be received at least 24 hours in advance). Such comments will be read and addressed by the Chairman during the hearing.

ZONING BOARD OF APPEALS
PETER R. CROUSE, CHAIRMAN

DATED September 5, 2024

Application for Zoning Verification and Building/Zoning Permit

RECEIVED

AUG 18 2024

TOC
BUILDING DEPT.

RESIDENTIAL

TOWN OF COLONIE
Public Operations Center
347 Old Niskayuna Road
Latham, NY 12110-2286Building Department
518-783-2706
Fax 518-783-2772

Permit No. _____

2202400722

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: 6 Munroe Way
Latham NY 12110
City State Zip
Property Owner's Name: Paul FoxAddress: 6 Munroe Way
Latham NY 12110
City State Zip
Phone W 765-4523 H/Cell 505-1235Property Owner's Email: patrick.fox@verizon.netContractor's Business Name: RSF Construction

(Insurance must match business name)

AND REMODELING LLCAddress: 39 Court St
Schenectady NY 12304
City State Zip
Phone W _____ Cell 350-3191ESTIMATED COST \$ \$8,000 Flr. Area 192 SF

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: 12'x16' 2nd story Deck

c) Gross Floor Area: Existing: 192 square feet
 Proposed: 192 square feet
 Total: 384 square feet

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

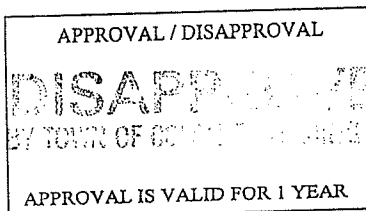
SITE INFORMATION: (DO NOT COMPLETE THIS SECTION IF THERE WILL BE NO EXTERIOR ALTERATION OF THE STRUCTURE/SITE)

Size of lot: _____ acre _____ sq. ft.

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

Does the parcel front upon a developed public street? Yes ☒ No ☐ If yes, length of frontage on street: feet 90

Building Setbacks:	Existing	Proposed
Front Yard Depth:	feet _____	feet <u>8/8</u>
Left Side Yard:	feet _____	feet <u>54</u>
Right Side Yard:	feet _____	feet <u>24</u>
Rear/Front Yard Depth:	feet _____	feet <u>19</u>
Existing Building Height (at peak):	feet _____	stories <u>2</u>
Proposed Height (at peak):	feet <u>1</u>	stories <u>2</u>



SIGNATURE: _____

PRINT NAME: Ryan FurberDATED: 5/6/24TITLE IN COMPANY: Owner

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

FOR OFFICIAL USE ONLY

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

Dated: 5/6/24

SIGNATURE OF ZONING OFFICER _____

The proposed construction of a 12 ft. x 16 ft. deck with a 19 ft. rear yard setback is not compliant with the 25 ft. minimum rear 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 (C) (4) Attachment #3 Dimensional Table For Prior Established Lots.

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

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

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

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

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

You may now file for a:

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

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

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: August 20, 2024

1. The undersigned, (being) the (owner) of (identify property by lot and block or otherwise) SBL #19.16-2-48 located at 6 Morgan Way, hereby gives notice of appeal from the decision of the (Bldg. Dept. Manager) made on the 20th day of August, 2024 in refusing to issue a Building and Zoning Permit on the ground that the same would be in violation of the provisions of the Code of the Town of Colonie for the following reason(s):

The proposed construction of a 12 ft. x 16 ft. deck with a 19 ft. rear yard setback is not compliant with the 25 ft. minimum rear 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 (C) (4) Attachment #3 Dimensional Table For Prior Established Lots.

2. Appellant alleges:

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

The denied permit was to replace a 12'x16' deck approved in the 1987 house construction with a new 12'x16' deck on the same footprint. The Dept. concluded from the plan on file that the setback appeared to be 19' feet instead of 25' and the original permit had been issued in error. The distance between the deck and the neighbor's back fence measures over 26 1/2'. That fence appears on the plan as within a few feet of the property line. The actual variance appears to be substantially less than 6', likely 0.5' - 1.5'

- 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:

To require a 6' reduction in the size of a deck replacing one that has been there for some 37 years seems to require an unnecessary sacrifice in space and use, particularly since the actual distance short of the required 25', if any, appears to minor and has not been problematic. The new deck would be sturdier and safer.

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:

Permit the replacement of an existing permitted deck with a new one on the same footprint regardless of any small variance in the setback.

Attached hereto is a plot plan of said property showing that the neighbor's back fence is within just a few (2-3) feet of the property line, together with attached photos showing that the measured distance from the fence to the deck is over 26 1/2 feet. The actual setback from the property line is likely 24.5' to 23.5' feet rather than the 19 feet claimed.

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

The 26+ feet between the existing deck and the back neighbor's fence was previously approved, possibly in error, and has been without complaint for 37 years. No change is proposed in existing actual setbacks. Two contractors have recommended either a substantial reinforcement or, ideally, a complete rebuild. We chose the rebuild. It would seem unfair to deny the opportunity to update to a more sturdy and safe deck compliant with current codes just to correct a longstanding possible minor error.

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)

BREEANNA J RUTLAND
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01RU6405931
Qualified in Albany County
Commission Expires March 16, 2028

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

Signed Paul R. Fisk

Print Name PAUL R. FISK

Address 6 Morgan Way
Latham, NY 12110

Owner or lessee if other than above

STATE OF New York
COUNTY OF Albany SS:

Subscribed and sworn to before me this 26th
day of August, 2024

Breanna J Rutland

Name _____
Mailing _____
Address _____

Short Environmental Assessment Form

Part 1 - Project Information

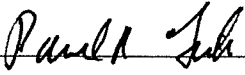
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Replace 12'x16' Deck			
Project Location (describe, and attach a location map): Rear of 6 Morgan Way, Latham NY12110			
Brief Description of Proposed Action: Replace a 12'x16' existing wood deck with a new one on the same footprint.			
Name of Applicant or Sponsor: Paul R. Fsik		Telephone: 518.785.4973 (H) 518.505.1235 (C) E-Mail: prfsk@verizon.net	
Address: 6 Morgan WAY			
City/PO: Latham		State: New York	Zip Code: 12110
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Colonie, NY Building and Fire Services Dept: Building permit		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		0.3 acres	
b. Total acreage to be physically disturbed?		0.004 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.3 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

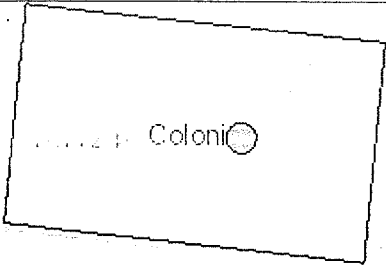
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☒
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:			
NA	☐	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☒	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☒	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☒	☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Paul R. Fisk</u> Date: <u>8/26/2024</u>		
Signature: <u></u> Title: <u>Homeowner</u>		

EAF Mapper Summary Report

Friday, August 23, 2024 1:41 PM

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Colonie

Part 1 / Question 7 [Critical Environmental Area] No

Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] No

Part 1 / Question 12b [Archeological Sites] No

Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] No

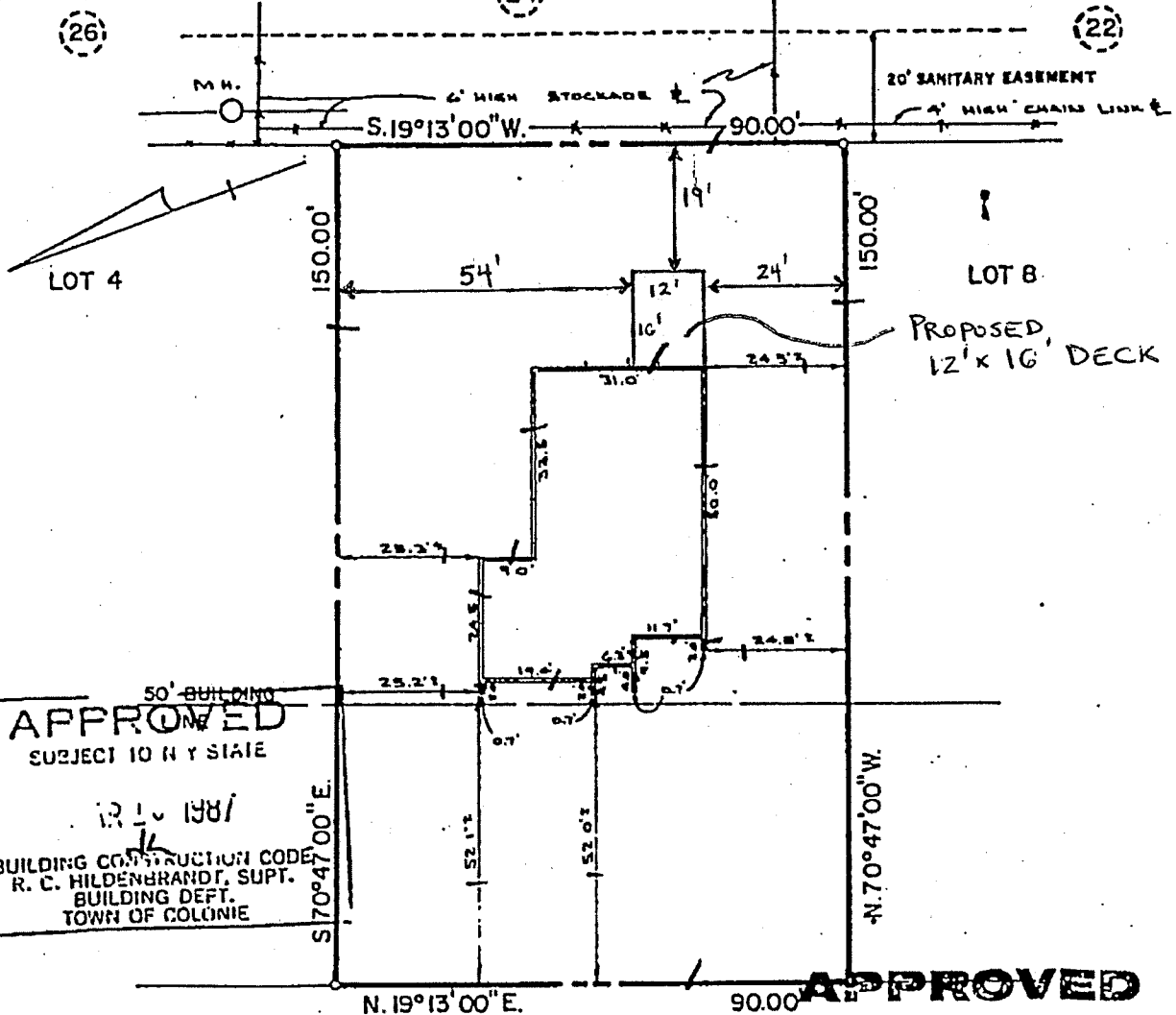
Part 1 / Question 15 [Threatened or Endangered Animal] No

Part 1 / Question 16 [100 Year Flood Plain] No

Part 1 / Question 20 [Remediation Site] No

UNAUTHORIZED ALTERATION OR ADDITION TO
THIS DOCUMENT IS A VIOLATION OF SECTION
7209 SUBDIVISION 7 OF THE NEW YORK STATE
EDUCATION LAW

FAIR MEADOWS PARK TION NO. 4



APPROVED
SUBJECT TO N.Y. STATE

12-1-1981
BUILDING CONSTRUCTION CODE
R. C. HILDENBRANDT, SUPT.
BUILDING DEPT.
TOWN OF COLONIE

APPROVED

IN FIELD BOOK - PLEASE FILE

#3616A
ONE FAMILY
3 BED, 2 1/2 BATH, 2 CAR
ZONE A-2
LOT SIZE OK
PLAN CHECK OK
SETBACKS OK

MORGAN WAY

(50' ROW)

DATE 7-17-82 INITIALS: [Signature]

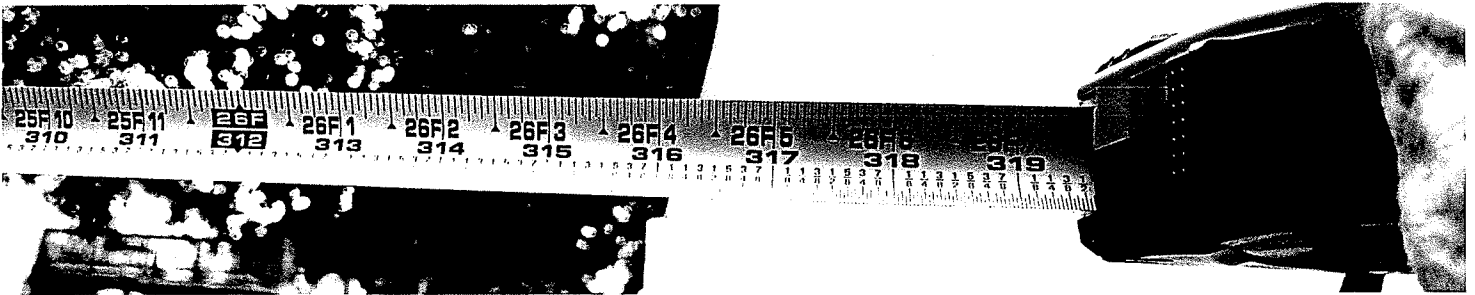
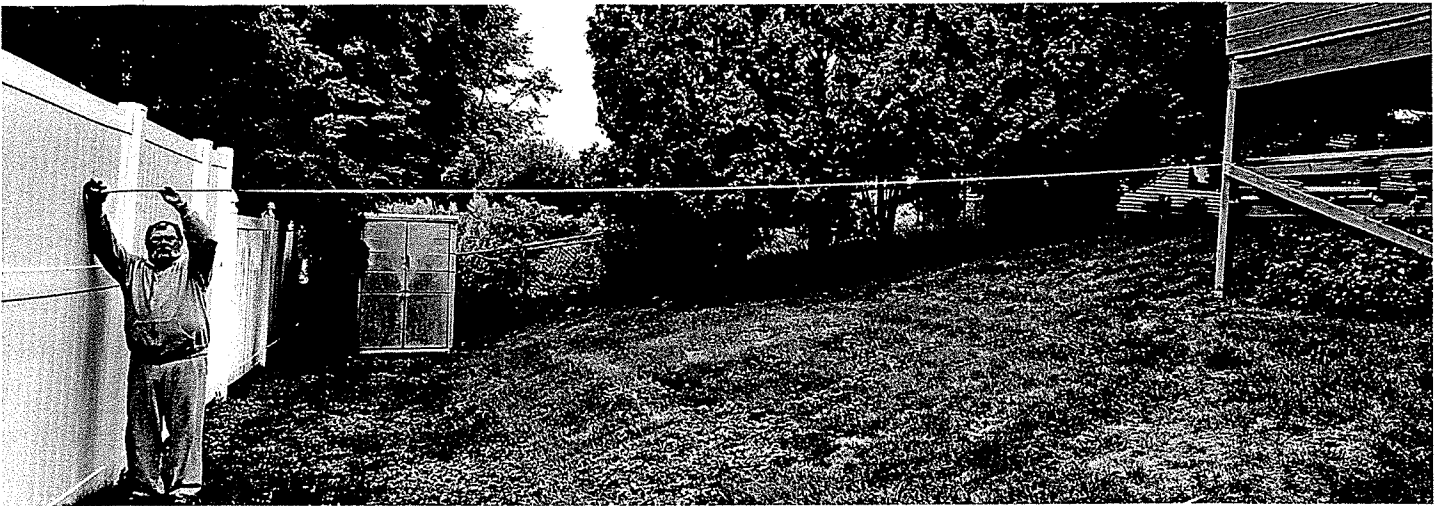
NOV 18 1982

DATE	DESCRIPTION	APPR.	LOT 6 MORGAN WAY FAIRMEADOWS PARK SECTION 5	
11-7-82	PROP. BLDG. LOC.	[Signature]	TOWN OF COLONIE	COUNTY OF ALBANY, N.Y.
3-4-87	FOUNDATION LOC.	[Signature]	SCALE 1" = 30'	DATE NOVEMBER 5, 1986
DRAWN BY JVM			C.T. MALE ASSOCIATES, P.C.	
CHECKED BY PGL			50 Century Hill Drive	
APPROVED BY [Signature]			P.O. Box 727, Latham, NY 12110	
PROJ. NO. 86.1748			(518) 785-0976	

BRUNING 44-132 68458

6 Morgan Way, Latham , NY 12110

The denied permit was to replace on the same footprint an existing 1987 deck built and approved with the house. The measured distance from the existing deck to the neighbor's back fence is over 26.5 Feet.



The fence is approx. 2-3 feet from the property line in the plot plan so the actual existing setback is likely at least 24.5' to 23.5'.

If the existing setback measured 19' it would mean the neighbor's deck was installed at least 7.5' from the property line, which is clearly not consistent with the plan or plausible.

This plot plan is scaled at 1"=30' so this 90' wide lot should measure 3 inches, but it is 3/16 inches (6.25%) short of that. If the deck was drawn in at stated scale it understates the setback by over a foot. The plans are not perfect representations of reality.

