



Peter G. Crummey
Town Supervisor

TOWN OF COLONIE

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

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

Peter R. Crouse
Chairman

MINUTES OF MEETING ZONING BOARD OF APPEALS October 2, 2024

Chairman, Peter R. Crouse called the meeting of the Town of Colonie Zoning Board of Appeals to order on **October 2, 2024 at 7:01 p.m.** at the Public Operations Center, 347 Old Niskayuna Road, Latham, New York.

Present:	Peter R. Crouse, Chairman	Absent:	James Campbell
	Christopher Rueckert		Tracy Swanson
	Kirk Huang		
	Nicholas Viggiani		
	George Vogt		

The meeting minutes of **September 18, 2024** were reviewed. Member Viggiani made a motion to approve the minutes. Member Vogt seconded the motion. Upon calling the vote, the minutes were approved unanimously.

A public hearing was held on the application of **Paul Fisk** for the premises located at **6 Morgan Way**. Paul Fisk made a presentation to the Board. Member Viggiani made a motion to approve the variance as presented. Member Vogt seconded the motion. Upon calling the vote, the motion to approve the variance as presented passed unanimously.

A public hearing was held on the application of **Vision Planning Consultants, LLC** for the premises located at **21/23 Overlook Avenue**. Ted Delucia made a presentation to the Board. Chairman Crouse made a motion to adjourn the variance until November 6, 2024. Member Huang seconded the motion. Upon calling the vote, the motion to adjourn the variance passed unanimously.

There being no more business, Member Vogt made a motion to close the meeting at 7:32 p.m. Member Viggiani seconded the motion and the motion to close passed unanimously.

Approved: _____ Date: _____

Chairman Peter R. Crouse



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: October 3, 2024

To: Members of the Zoning Board of Appeals

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

Subject: **Zoning Board of Appeals Agenda – October 16, 2024**

New Hearings:

24-040 12 Vly Road – Michael Kenyon

24-041 130 Pollock Road – Greg/Linda Serio

24-044 3 Undine Street – Luigi Cicero



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Peter R. Crouse
Chairman

Ryan M. Caponera, Esq.
Counsel

TAKE NOTICE, that the Town of Colonie Zoning Board of Appeals will hold a public hearing at the Public Operations Center, 347 Old Niskayuna Road, Latham, in the Town of Colonie, on the **16th day of October 2024**, at **7:00 p.m.** to hear the appeal of **Michael Kenyon** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **12 Vly Road**. The proposed Level II Home Occupation (Barber Shop) in a Commercial Office Residential (COR) Zoning District requires a Special Use Permit as stated in the Town of Colonie Land Use Law, Article XV, Section 190-53, Attachment #1 – Table of Permitted Uses. The Zoning Board of Appeals will hear the request for Special Use Permit required by the Code of the Town of Colonie, Chapter 190 to permit such construction and use, and a SEQR Determination for such appeal. The public may view and listen to the Zoning Board of Appeals hearing on the Town's website by typing <https://colonienny.iqm2.com/Citizens/Default.aspx> in your web browser. The public may present comments to the Board in person or by emailing infozba@colonie.org. (Emailed comments must be received at least 24 hours in advance). Such comments will be read and addressed by the Chairman during the hearing.

ZONING BOARD OF APPEALS

PETER R. CROUSE, CHAIRMAN

DATED October 3, 2024

Application for Zoning Verification and Building/Zoning Permit

10/2019

RECEIVED

JUN 04 2024

TOC
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. Z 2024 00649

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: 12 Vly Rd
Albany NY 12205
City State Zip

Property Owner's Name: Michael Kenyon
(Applicant)

Address: 12 Vly Rd
Albany NY 12205
City State Zip

Phone W U H/Cell (518) 495-9878

Property Owner's Email: mkenyon@alumia.albany.edu

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

Address: 30 Kerner Rd Unit 14821
Albany NY 12205
City State Zip

Phone W _____ Cell 518 495 9878

ESTIMATED COST \$ 0 Flr. Area 146 sq ft

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 Michael Kenyon
(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)

Residential House in CR Zone

b) Is the proposed action a: ☐ New Building ☐ Addition ☐ Renovation

☐ Accessory Structure ☐ Garage ☐ Shed ☐ Deck ☐ Pool ☐ Other

☒ Home Occupation: Home Occupation Level II

☐ Accessory Dwelling Unit

Describe the proposed use or construction in detail: Change from existing use into the goal
of property owner to complete space to tenant and market
Barber Shop Home Occupation - Barber

c) Gross Floor Area: Existing: 146 square feet
Proposed: 156 square feet
Total: 156 square feet

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

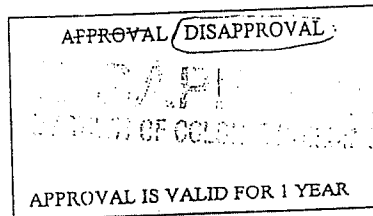
SITE INFORMATION: (DO NOT COMPLETE THIS SECTION IF THERE WILL BE NO EXTERIOR ALTERATION OF THE STRUCTURE/SITE)

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 56

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



SIGNATURE: _____

PRINT NAME: Michael Kenyon

DATED: 6/4/2024

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

Dated: 6/4/24

SIGNATURE OF ZONING OFFICER

The proposed level II home occupation, Barber Shop, in a Commercial Office Residential (COR) Zoning District requires a Special Use Permit as stated in the Town of Colonie Land Use Law, Article XV, Section 190-53, Attachment #1 – Table of Permitted Uses.

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

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

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

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

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

**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: September 11, 2024

(being) (owner)

1. The undersigned, (representing) the (lessee) of (identify property by lot and block or otherwise) SBL #29.11-6-14 located at 12 Vly Road, hereby gives notice of appeal from the decision of the (Bldg. Dept. Manager) made on the 17th day of June, 2024 in refusing to issue a Building and Zoning Permit on the ground that the same would be in violation of the provisions of the Code of the Town of Colonie for the following reason(s):

The proposed Level II Home Occupation, Barber Shop, in a Commercial Office Residential (COR) Zoning District requires a Special Use Permit as stated in the Town of Colonie Land Use Law, Article XV, Section 190-53, Attachment #1 - Table of Permitted Uses.

2. Appellant alleges:

a. That there are unusual circumstances and conditions affecting said property that are peculiar to said property and do not apply generally to other property in the vicinity, which circumstances and conditions are as follows:
There is active commercial activity right next to my proposed property/project

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

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:
Home Occupation Level II - Barber

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):

1. Low Impact
2. It's on my own property with plenty of off-street parking
3. It is located in an active commercial zone/activity
4. Site would look no different and blends in with existing area so not disturbing or creating

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

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

Signed _____
Print Name Michael Kenyon
Address 12 Vly Rd
Albany NY 12205

Owner or lessee if other than above

STATE OF
COUNTY OF

SS:

Subscribed and sworn to before me this 23rd
day of September 2024

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

12/10/14

Name _____
Mailing _____
Address _____

Short Environmental Assessment Form **Part I - Project Information**

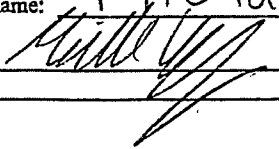
Instructions for Completing

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: KENYON HOME OCCUPATION							
Project Location (describe, and attach a location map): 12 Vly Rd, Albany, NY 12205							
Brief Description of Proposed Action: Home Occupation Level II - Barber							
Name of Applicant or Sponsor: Michael Kenyon		Telephone: 518 495 9878					
		E-Mail: mkenyon@alumna.albany.edu					
Address: 12 Vly Rd							
City/PO: Albany		State: NY	Zip Code: 12205				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td>☒</td> <td>☐</td> </tr> </table>	NO	YES	☒	☐
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:			<table border="1"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td>☒</td> <td>☐</td> </tr> </table>	NO	YES	☒	☐
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?			1288 sq ft 0.0296 acres 7500 sq ft 0.172 acres 7500 sq ft 0.172 acres 7500 sq ft 0.172 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?	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> </tr> </table>	NO	YES	☒	☐				
NO	YES								
☒	☐								
16. Is the project site located in the 100-year flood plan?	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> </tr> </table>	NO	YES	☒	☐				
NO	YES								
☒	☐								
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> </tr> </table>	NO	YES	☒	☐	☒	☐	☒	☐
NO	YES								
☒	☐								
☒	☐								
☒	☐								
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> </tr> </table>	NO	YES	☒	☐				
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:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> </tr> </table>	NO	YES	☒	☐				
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:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> </tr> </table>	NO	YES	☒	☐				
NO	YES								
☒	☐								
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Michael Kenyon</u> Signature: <u></u> Date: <u>9/23/2024</u> Title: <u>Applicant/owner</u>									

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Project:

Date:

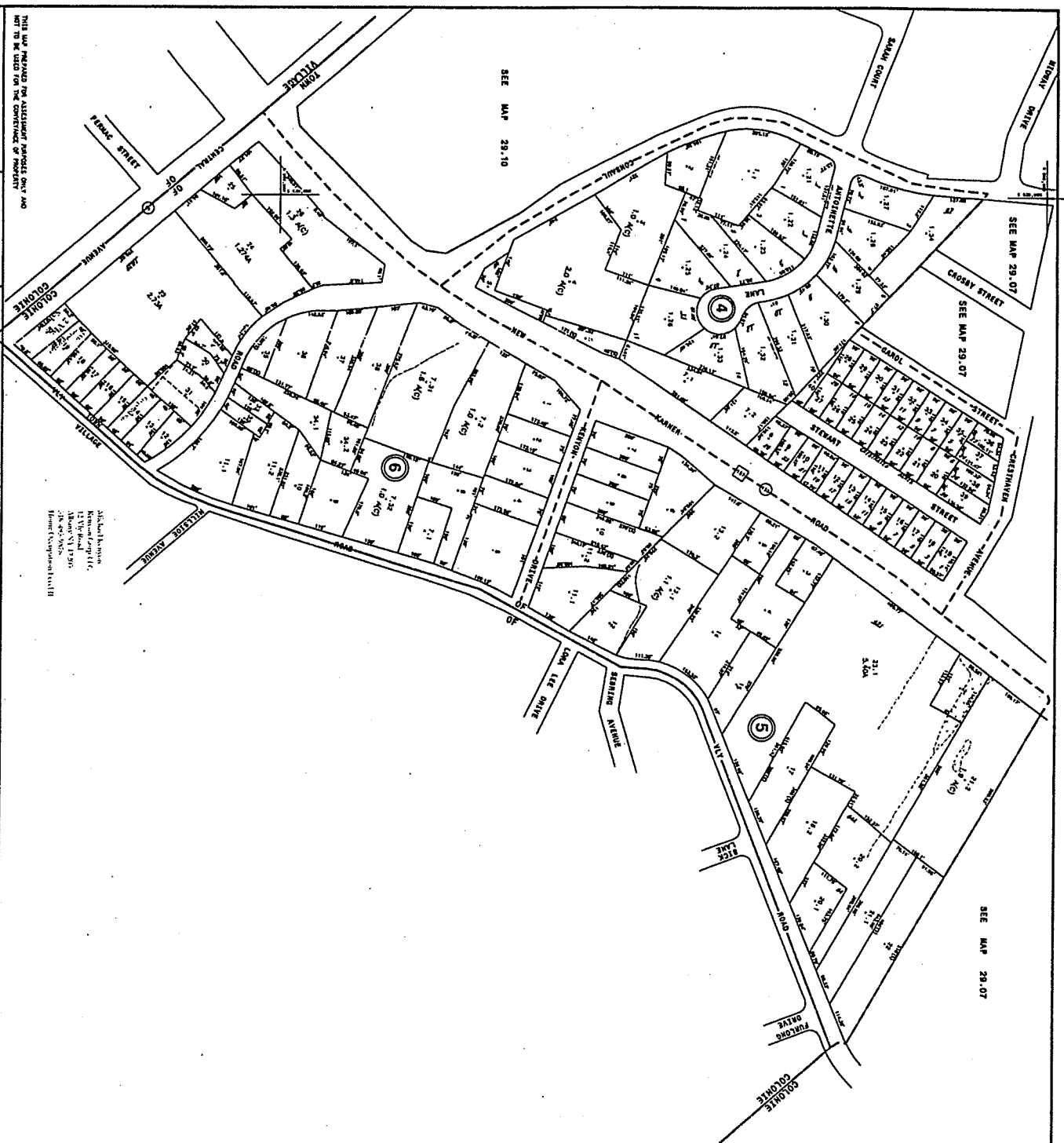
Short Environmental Assessment Form

Part 3 Determination of Significance

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

☐	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
☒	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM



THIS MAP PREPARED FOR ASESSENT PURPOSES ONLY AND NOT TO BE USED FOR THE CONVEYANCE OF PROPERTY

Alfred Korman
Korman Corp. Inc.
12 Vly Road
Albany, NY 12205
216-492-0870

SEE MAP 29.10

SEE MAP 29.07

RECEIVED BY SECTION & MODALITY, (REGISTRATION & SERVICES) ADDRESS MAIL, PROPERTY TAX SERVICE AGENCY (PLEASE PRINT, NOT TYPE)		THE OFFICE OF THE CLERK OF THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA 1000 15TH STREET, N.W. WASHINGTON, D.C. 20004	
FILED IN BOOK NO.		ANNOTATION	
1. Case No. 2. Cause 3. Party 4. Nature of Cause 5. Date of Filing 6. Date of Hearing 7. Date of Decision 8. Date of Appeal 9. Date of Review 10. Date of Final Decision	1. Cause No. 2. Cause 3. Party 4. Nature of Cause 5. Date of Filing 6. Date of Hearing 7. Date of Decision 8. Date of Appeal 9. Date of Review 10. Date of Final Decision	1. Cause No. 2. Cause 3. Party 4. Nature of Cause 5. Date of Filing 6. Date of Hearing 7. Date of Decision 8. Date of Appeal 9. Date of Review 10. Date of Final Decision	1. Cause No. 2. Cause 3. Party 4. Nature of Cause 5. Date of Filing 6. Date of Hearing 7. Date of Decision 8. Date of Appeal 9. Date of Review 10. Date of Final Decision
SPECIAL DISPOSITION		LITIGATION	
1. Cause No. 2. Cause 3. Party 4. Nature of Cause 5. Date of Filing 6. Date of Hearing 7. Date of Decision 8. Date of Appeal 9. Date of Review 10. Date of Final Decision	1. Cause No. 2. Cause 3. Party 4. Nature of Cause 5. Date of Filing 6. Date of Hearing 7. Date of Decision 8. Date of Appeal 9. Date of Review 10. Date of Final Decision	1. Cause No. 2. Cause 3. Party 4. Nature of Cause 5. Date of Filing 6. Date of Hearing 7. Date of Decision 8. Date of Appeal 9. Date of Review 10. Date of Final Decision	1. Cause No. 2. Cause 3. Party 4. Nature of Cause 5. Date of Filing 6. Date of Hearing 7. Date of Decision 8. Date of Appeal 9. Date of Review 10. Date of Final Decision

TOWN OF COLONIE
ALBANY COUNTY, NEW YORK

26

Copyright 2000
County of Adams

Paul Sider, *University of Minnesota* 1, 200

FOR ASSESSMENT PURPOSES ONLY AND
FOR THE CONVEYANCE OF PROPERTY

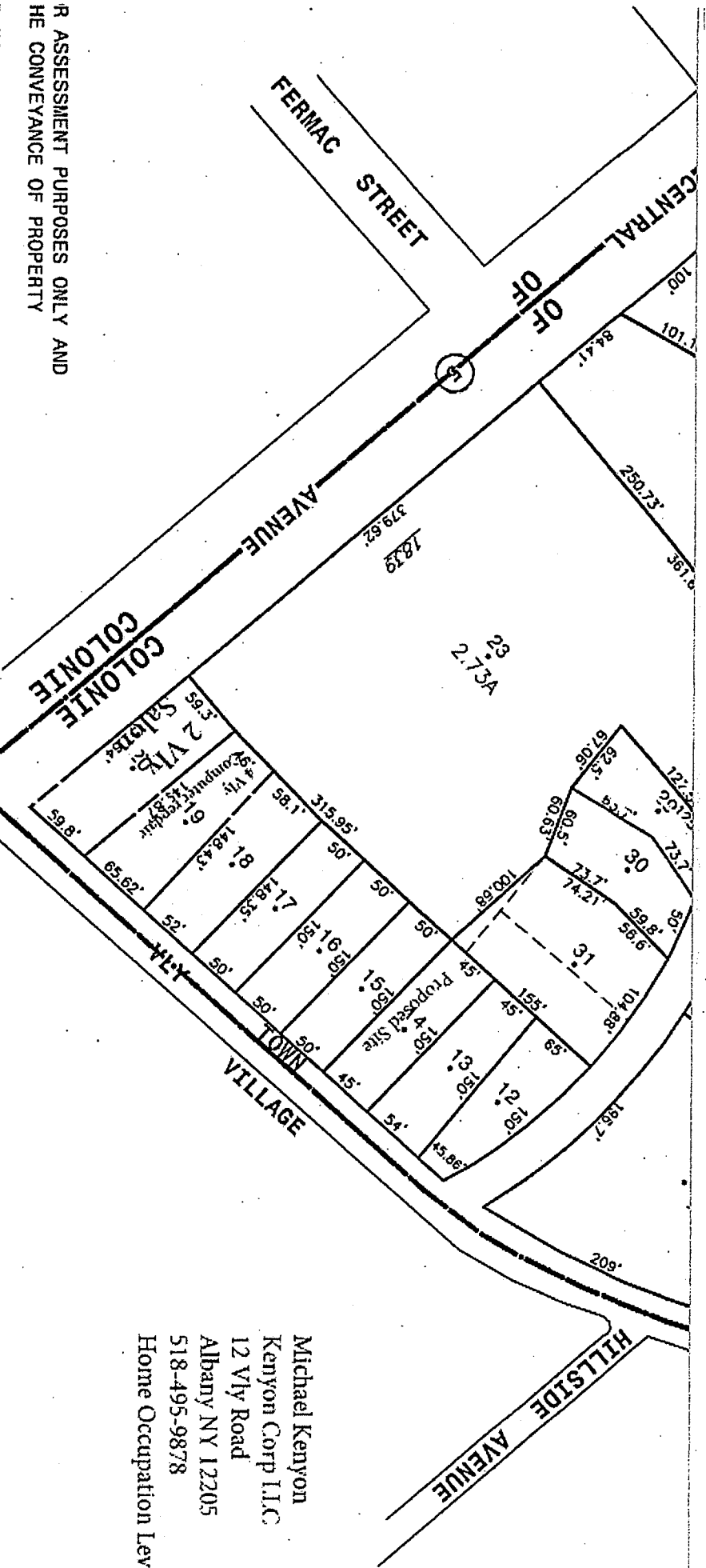
D BY
ENGINEERS & SURVEYORS
NEW YORK
FOR
TAX SERVICE AGENCY
NEW YORK

DIGITAL CONVERSION BY:
THE SANBORN MAP COMPANY INC.
PELHAM, NEW YORK



REVISION TABLE

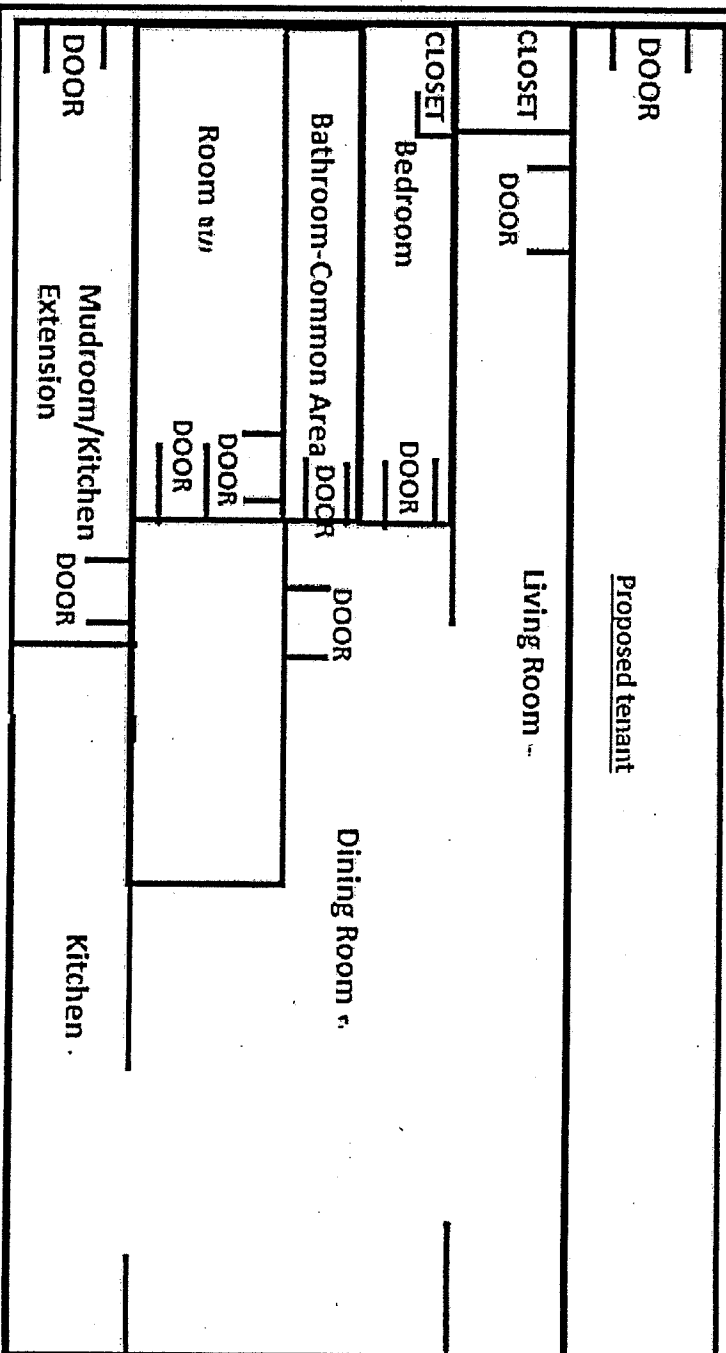
DATE	BY	CHANGES OR ADDITIONS	DATE	BY	CHANGES OR ADDITIONS
4-14-82	DB	ADDED PARCEL 5-13 PER 2221-15	2-6-84	JP	DELETED PARCEL 6-28 MERGED WITH PARCEL 6-39, MERGED INTO 6-39
5-11-83	DB	ADDED PARCELS 5-19, 20, 21, 22, 23 & 20.5 PER SWED. MAP 15927 OR 172	3-20-80	DB	ADDED 5-12, 7.1 PER 3904-233 & 237.0
11-15-83	DB	ADDED PARCEL 5-112 PER 2244-275	12-5-88	JW	CREATE 5-18.2 PER 2905/16
1-11-85	MRM	ADDED PARCEL 6-112 PER 2207-335, DELETED PARCEL 6-8 MERGED INTO 6-7 PER 2261-859	3-1-05	LKC	CREATED 4-11 & 12 PER MAP 11489-172
10-30-85	MRM	DELETED PARCEL 6-22 MERGED INTO 6-21 PER 2291-30	10-26-09	JKD	ADDED ADJUTANT ESTABLISHMENT 12435-DR 1 PARCELS 121 TO 134, DELETED PARCEL 12



Michael Kenyon
Kenyon Corp LLC
12 Vly Road
Albany NY 12205
518-495-9878
Home Occupation Lev

Parking

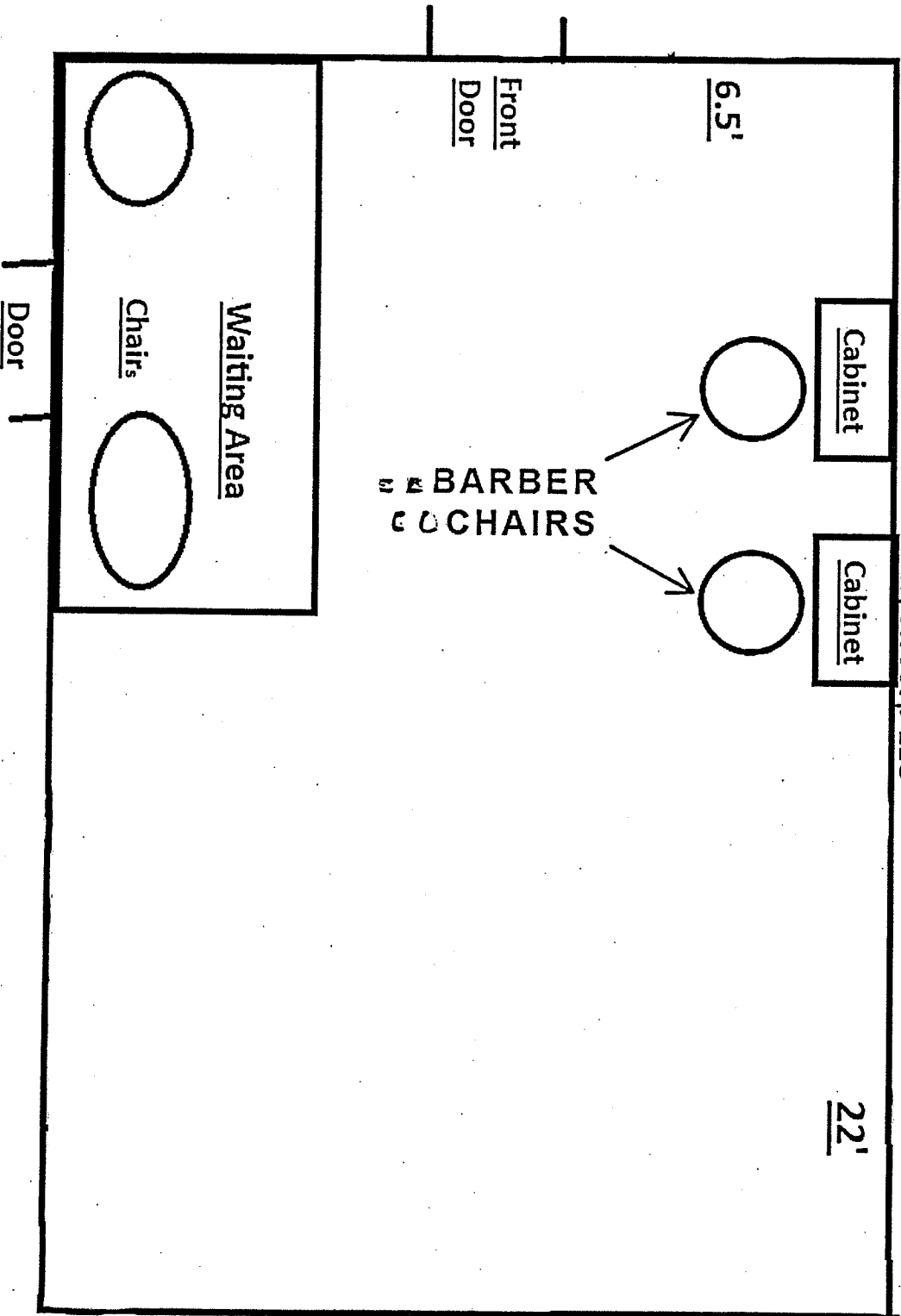
DRIVEWAY



12 Viv Rd, Albany NY

12205

KenyonCorp LLC





Search here



Kingston



Set home



Restaurants



Gas



S

74°
27 AQI



Additional
Parking: 22 x 24
(528sqft) = 3 cars

10

12

14

Parking Lot: 26 x 30'
(760sqft) = 4 cars



Google

Wily Rd





Peter G. Crummey
Town Supervisor

TOWN OF COLONIE

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

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

Peter R. Crouse
Chairman

TAKE NOTICE, that the Town of Colonie Zoning Board of Appeals will hold a public hearing at the Public Operations Center, 347 Old Niskayuna Road, Latham, in the Town of Colonie, on the **16th day of October 2024**, at **7:00 p.m.** to hear the appeal of **Gregory and Linda Serio** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **130 Pollock Road**. The proposed construction of a 10 ft. x 12 ft. shed in a front yard is not compliant with the prohibition of accessory structures in a front yard in a Single Family Residential (SFR) Zoning District as stated in the Town of Colonie Land Use Law, Article VI, Section 190-24, 190-26 (C) (4), Attachment #3 – Dimensional Table For Prior Established Lots. The Zoning Board of Appeals will hear the request for variance from the provisions of the Code of the Town of Colonie, Chapter 190 to permit such construction and use, and a SEQR Determination for such appeal.

The public may view and listen to the Zoning Board of Appeals hearing on the Town's website by typing <https://colonienny.igm2.com/Citizens/Default.aspx> in your web browser. The public may present comments to the Board in person or by emailing infozba@colonie.org. (Emailed comments must be received at least 24 hours in advance). Such comments will be read and addressed by the Chairman during the hearing.

ZONING BOARD OF APPEALS
PETER R. CROUSE, CHAIRMAN

DATED October 3, 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. Z02401320

Z02400844

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: 130 POLLOCK ROAD

LATHAM NY 12110
City State Zip

Property Owner's Name: LINDA | GREG SERIO
(Applicant)

Address: 130 POLLOCK ROAD

LATHAM NY 12110
City State Zip

Phone W H/Cell (518) 441-6387

Property Owner's Email: blakdog2003@yahoo.com

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

Address: _____

City State Zip

Phone W _____ Cell _____

ESTIMATED COST \$ 3200⁰⁰ Flr. Area 120 Sq. Ft.

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.busessexpress.ny.gov

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

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

☐ C-105.2 ☐ U-26.3 ☐ SI-12 ☐ CE-200

Contractor's General Liability

Insured's Name _____
(must match business name)

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

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

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

FOR OFFICIAL USE ONLY

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

Proposed use: _____ Variance Granted # _____

Dated: _____, 20____

PROPOSED ACTION:

a) Describe Present Use of Property: ☒ One Family ☐ Two Family ☐ Vacant Land ☐ Other (specify)b) Is the proposed action a: ☐ New Building ☐ Addition ☐ Renovation☐ Accessory Structure ☐ Garage ☒ Shed ☐ Deck ☐ Pool ☐ Other☐ Home Occupation:☐ Accessory Dwelling UnitDescribe the proposed use or construction in detail: 10' x 12' SHED (MUST BE ANCHORED)c) Gross Floor Area: Existing: _____ square feet
Proposed: 120 square feet
Total: _____ square feetd) Parcel is located in a SFR zoning district. (If unknown, verify with Building Department.)

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

Size of lot: 3.3 ± 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 85 ±

Building Setbacks:

Existing

Proposed

Front Yard Depth: feet _____

feet 540 ±

Left Side Yard: feet _____

feet 200 ±

Right Side Yard: feet _____

feet 300 ±

Rear/Front Yard Depth: feet _____

feet 90 ±

Existing Building Height (at peak): feet _____

stories 2Proposed Height (at peak): feet 10 ±stories 1APPROVAL DISAPPROVALDISAPPROVED
BY TOWN OF COLONIE BUILDING DEPT.

APPROVAL IS VALID FOR 1 YEAR

SIGNATURE: Linda SerioPRINT NAME: LINDA SERIODATED: 6/10/24

TITLE IN COMPANY: _____

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

FOR OFFICIAL USE ONLY

I, 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: 8/22/24

SIGNATURE OF ZONING OFFICER

The proposed construction of a 10 ft. x 12 ft. shed in a front yard is not compliant with the prohibition of accessory structures in a front yard in a Single Family Residential (SFR) Zoning District as stated in the Town of Colonie Land Use Law, Article VI, 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. # 9.2-3-2Yes ☐ 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 ☒
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

RECEIVED

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: September 16, 2024

TOC
BUILDING DEPT.

(being) (owner)

1. The undersigned, (representing) the (lessee) of (identify property by lot and block or otherwise) SBL #9.2-3-2 located at 130 Pollock Road, hereby gives notice of appeal from the decision of the (Bldg. Dept. Manager) made on the 22nd 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 10 ft. x 12 ft. shed in a front yard is not compliant with the prohibition of accessory structures in a front yard in a Single Family Residential (SFR) Zoning District as stated in the Town of Colonie Land Use Law, Article VI, 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:

130 Pollock Rd is a Keyhole lot, house no longer faces road.

- 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:

Based on the orientation of my house, the backyard is now considered 'Frontyard' but it's still back yard.

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 put a 10x12 shed in my front yard as per the attached site plan.

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):

Placing a basic, standard pre-fab 10x12 shed will not alter my property or its aesthetics, not visible to anyone but VS.

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 Linda Seno

Print Name Linda Seno

Address 130 Pollock Rd

Latham NY 12110

STATE OF
COUNTY OF

SS:

Owner or lessee if other than above

Subscribed and sworn to before me this 18th
day of September 2024

Name _____

Mailing _____

Address _____

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

Short Environmental Assessment Form **Part I - Project Information**

Instructions for Completing

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

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

Part I - Project and Sponsor Information			
Name of Action or Project: <u>Serio Bee Shed</u>			
Project Location (describe, and attach a location map): <u>130 Pollock Rd Latham NY 12110</u>			
Brief Description of Proposed Action: <u>10'x12' Shed</u>			
Name of Applicant or Sponsor:		Telephone:	E-Mail:
<u>Linda Serio</u>		<u>(518) 441-6387</u>	<u>Blackdog2003@yahoo.com</u>
Address: <u>130 Pollock Rd</u>			
City/PO:	State:	Zip Code:	
<u>Latham</u>	<u>NY</u>	<u>12110</u>	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			☒ ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO YES
If Yes, list agency(s) name and permit or approval:			☒ ☐
3. a. Total acreage of the site of the proposed action?		<u>3.5±</u> acres	
b. Total acreage to be physically disturbed?		<u>200</u> acres sq. ft.	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>3.5±</u> acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

RECEIVED
 SEP 18 2024
 TOC
 BUILDING DEPT.

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: _____ _____ _____			

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Project:

Date:

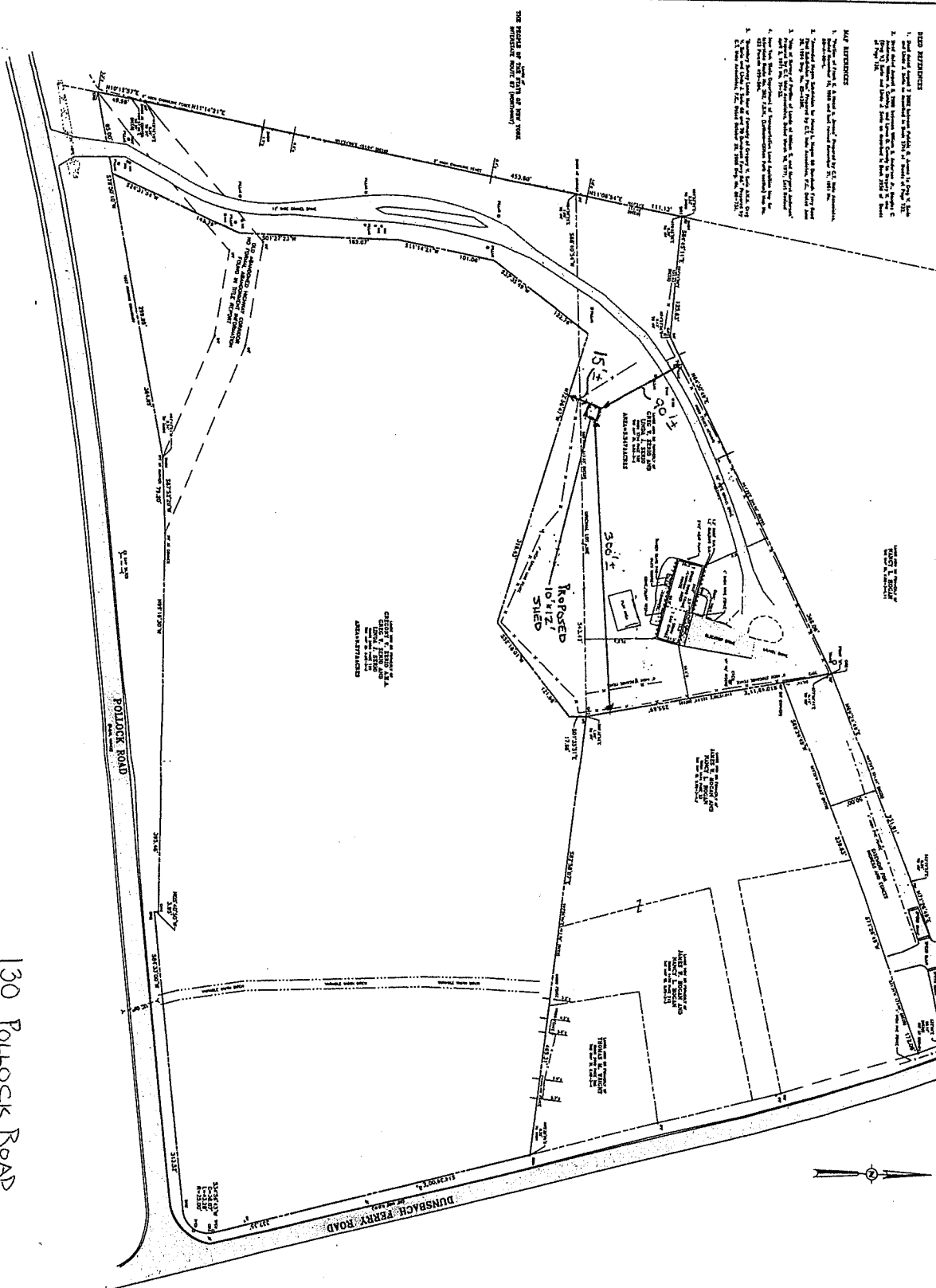
Short Environmental Assessment Form
Part 3 Determination of Significance

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

☐	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
☐	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

- MAP NOTES**
1. The boundary lines shown on this map are based on the survey of the property by the Surveyor General of the State of New York, dated 1885, and are subject to the provisions of the Survey Law of 1885, as amended.
 2. The boundary lines shown on this map are subject to the provisions of the Survey Law of 1885, as amended.
 3. The boundary lines shown on this map are subject to the provisions of the Survey Law of 1885, as amended.
 4. The boundary lines shown on this map are subject to the provisions of the Survey Law of 1885, as amended.
 5. The boundary lines shown on this map are subject to the provisions of the Survey Law of 1885, as amended.
- DEED REFERENCES**
1. Deed of John A. Smith to John B. Smith, dated 1885, recorded in the Office of the County Clerk of the County of New York, Book 101, Page 101.
 2. Deed of John B. Smith to John C. Smith, dated 1885, recorded in the Office of the County Clerk of the County of New York, Book 101, Page 101.
 3. Deed of John C. Smith to John D. Smith, dated 1885, recorded in the Office of the County Clerk of the County of New York, Book 101, Page 101.
 4. Deed of John D. Smith to John E. Smith, dated 1885, recorded in the Office of the County Clerk of the County of New York, Book 101, Page 101.
 5. Deed of John E. Smith to John F. Smith, dated 1885, recorded in the Office of the County Clerk of the County of New York, Book 101, Page 101.
- MAP REFERENCES**
1. Map of the County of New York, dated 1885, recorded in the Office of the County Clerk of the County of New York, Book 101, Page 101.
 2. Map of the County of New York, dated 1885, recorded in the Office of the County Clerk of the County of New York, Book 101, Page 101.
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130 Pollock Road

This print depicts specific work prepared on the date shown hereon for the named Client. The work is not transferable to others.

PROJECT & DRAWING		DATE		REVISIONS		APPROVALS	
130 Pollock Road		10/11/2017		1. Initial Survey		[Signature]	
LOT LINE ADJUSTMENT MAP		10/11/2017		2. Final Survey		[Signature]	
C.T. MALE ASSOCIATES, P.C.		10/11/2017		3. Final Survey		[Signature]	
130 Pollock Road		10/11/2017		4. Final Survey		[Signature]	
130 Pollock Road		10/11/2017		5. Final Survey		[Signature]	
130 Pollock Road		10/11/2017		6. Final Survey		[Signature]	
130 Pollock Road		10/11/2017		7. Final Survey		[Signature]	
130 Pollock Road		10/11/2017		8. Final Survey		[Signature]	
130 Pollock Road		10/11/2017		9. Final Survey		[Signature]	
130 Pollock Road		10/11/2017		10. Final Survey		[Signature]	

LOT LINE ADJUSTMENT MAP
130 Pollock Road
C.T. MALE ASSOCIATES, P.C.
10/11/2017

- LEGEND**
- 1. Surveyed Area and Road
 - 2. Surveyed Area and Road
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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 **16th day of October 2024, at 7:00 p.m.** to hear the appeal of **Luigi Cicero** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **3 Undine Street**. The proposed subdivision of a 27,000± sq. ft. lot into (3) 9,000± sq. ft. lots for the future construction of a single family dwelling on each lot is not compliant with the 18,000 sq. ft. minimum lot size 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://colonienny.iqm2.com/Citizens/Default.aspx> in your web browser. The public may present comments to the Board in person or by emailing infozba@colonie.org. (Emailed comments must be received at least 24 hours in advance). Such comments will be read and addressed by the Chairman during the hearing.

ZONING BOARD OF APPEALS
PETER R. CROUSE, CHAIRMAN

DATED October 3, 2024



BUILDING AND FIRE SERVICES DEPARTMENT

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

(518) 783-2706
Z 202401014

RECEIVED

ZONING VERIFICATION - SUBDIVISION / MERGER

SEP 11 2024

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

BUILDING TO PROPERTY

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:

Number 3 Street UNDINE STREET City ALBANY State NY Zip Code 12205

Name of Applicant: LUIGI CICERO

Address of Applicant:

Number 30 Street CONSE LANE City NY State NY Zip Code 12159

Applicant's telephone numbers: W _____

Cell 518-858-5975

Contact Person

LUIGI CICERO

Contact Person's Address

Number _____ Street SAME AS ABOVE

Contact Person's telephone numbers: W _____

City _____ State _____ Zip Code _____

Cell 518-858-5975

Property Owner(s):

LUIGI CICERO - THOMAS PADNESSA

Address of Property Owner:

30 CONSE LANE

Number _____ Street _____

City SLINGERLANDS State NY Zip Code 12159

Property Owner's telephone numbers: W _____

518-858-5975 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) \$240.00

Major Subdivision / Merger (over 4 lots) \$390.00

Check # _____

Cash _____

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

APPLICANT'S PROPOSED SUBDIVISION / MERGER:

Describe Present Use: VALENT LAND

Describe the proposed subdivision / merger in detail: 3 LOTS SUBDIVISION
FOR 3 SINGLE RESIDENTIAL HOMES

SITE STATISTICS:

How many existing parcels comprise the project site? ONE
Total number of parcels after subdivision or merger? THREE
The project site is located in what zoning district(s)? _____
(Refer to Town of Colonie Zoning Map/Laws)
Total area of existing parcel(s): acres 1.2 and square feet 27,000 sq. ft.

Proposed Lots:
Maximum lot size: square feet 9,000 sq. ft.
Minimum lot size: square feet 2,700 sq. ft.

Proposed Streets:
Streets proposed to be constructed? Yes _____ No ✓
If no; is the parcel on a dedicated street? Yes ✓ No _____
What is the minimum right-of-way width proposed? 40 ft.
What is the minimum frontage on a street a proposed lot will have 90 ft?

Buildings:
How many units are proposed? 3 What are the proposed uses? SINGLE FAMILY DWELLINGS
What is the density (units per acre)? _____ What is the maximum height of any building to be constructed? 28 feet
Stories (If known at this time)? 2 stories

SIGNATURE OF APPLICANT: [Signature] DATE 9-12-24
PRINTED OR TYPED COPY OF SIGNATURE: LUIGI LIBERO

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

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)

APPROVED / DISAPPROVED

APPROVED

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

I, Luigi Libero, zoning officer of the Town of Colonie do hereby find that the proposed action as described above, and in any attachments hereto, IS IN ACCORDANCE _____ APPROVED DATE _____
IS NOT IN ACCORDANCE _____ DISAPPROVED DATE 9-12-24
With the Chapter 190 of the Colonie Land Use Law that are effective as of this date.

The proposed subdivision of a 27,000+ sq. ft. lot into (3) 9,000+ sq. ft. lots for the future construction of a _____ minimum lot size required in a _____

**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: September 20, 2024

(being) (owner)

1. The undersigned, (representing) the (lessee) of (identify property by lot and block or otherwise) SBL #53.7-4-31 located at 3 Undine Street, hereby gives notice of appeal from the decision of the (Bldg. Dept. Manager) made on the 12th day of September, 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 subdivision of a 27,000± sq. ft. lot into (3) 9,000± sq. ft. lots for the future construction of a single family dwelling on each lot is not compliant with the 18,000 sq. ft. minimum lot size 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:

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:

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

Attached hereto is a plot plan of said property, showing A CHANGE FROM FOUR LOTS INTO THREE LOTS TO MEETING ALL SETBACK REQUIRED together with _____

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): WE PROPOSE TO SUBDIVIDE THIS PARCEL OF LAND INTO THREE LOTS SIZE 90 FEET FRONT 100' FEET DEEP TO BUILD THREE SINGLE FAMILY DWELLINGS BY DOING THAT WE ARE MEETING ALL THE REQUIRED SETBACK 40' FEET FRONT SETBACK 20'+20' TOTAL 40' SIDE SETBACK 30'+ REAR SETBACK

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 herein are true to the best of his knowledge, information and belief.

Signed LUIGI CICERO
Print Name LUIGI CICERO
Address 30 COURSE LANE
SLINGERLANDS, NY 12159

Owner or lessee if other than above

TATE OF
OUNTY OF

SS:

Subscribed and sworn to before me this 19th day of September, 2024

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

Name _____
Mailing _____
Address _____

Short Environmental Assessment Form

Part I - 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			
3 UNDINE STREET ALBANY, NY 12205			
Name of Action or Project: LUIGI CICCERO			
Project Location (describe, and attach a location map): 3 UNDINE STREET ALBANY, NY 12205			
Brief Description of Proposed Action: 3 SINGLE FAMILY DWELLINGS			
Name of Applicant or Sponsor: LUIGI CICCERO		Telephone: 518-858-5975	
		E-Mail: CICCEROLUIGI@YAHOO.COM	
Address: 30 COUSE LANE			
City/PO: SLINGERLANDS		State: NY	Zip Code: 12159
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		☐	☒
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		☐	☐
3. 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	
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>INTO STORM DRAINS</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>LUIGI CICERO</u> Date: <u>9-16-24</u> Signature: <u>[Signature]</u> Title: <u>OWNER</u>		

PRINT FORM

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

PRINT FORM

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

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

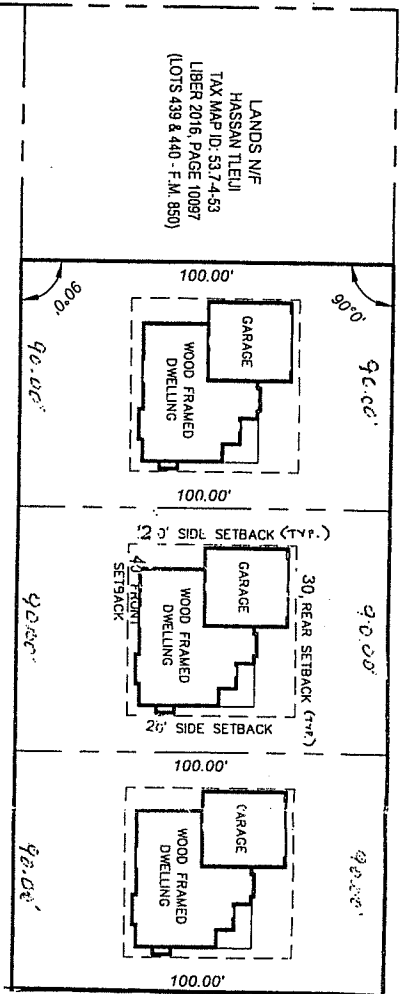
☐	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
☒	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>LUIGI CICERO</u>	<u>9-16-24</u>
Name of Lead Agency	Date
<u>LUIGI CICERO</u>	<u>OWNER</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>[Signature]</u>	<u>[Signature]</u>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

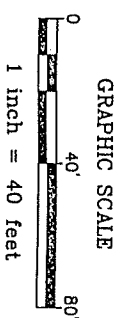
UNDINE STREET

NORTON STREET

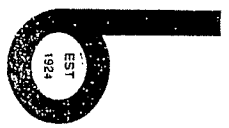
REYNOLDS STREET



0.5' TO
NORTON STREET



ARY INFORMATION IS BASED ON A SURVEY PREPARED BY C.T. MALE ASSOCIATES, P.C.,
D. "PORTION OF LANDS OF T. PAONESSA & L. CICERO", DATED OCTOBER 18, 1984.
KS SHOWN ARE TYPICAL FOR ALL PROPOSED LOTS.



BOSWELL

ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS
799 MADISON AVENUE • ALBANY, NY 12208 • (518) 436-6310

PLOT PLAN
TAX LOT 53.7-4-31
3 UNDINE STREET
TOWN OF COLONIE

ALBANY COUNTY	DESIGNED BY	SCALE	JOB
	DRAWN BY SR	CHECKED BY C.S.	A2

CADD FILE: CDEG-UNDINE STDWG



Peter G. Crumme
Town Supervisor

TOWN OF COLONIE

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

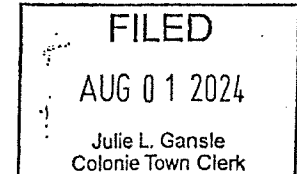
Phone (518) 783-2706 Fax (518) 783-2772
<https://www.colonie.org/boards/zba/>

Peter R. Crouse
Chairman

Ryan M. Caponera, Esq.
Counsel

DECISION OF ZONING BOARD OF APPEALS:

IN THE MATTER OF: 3 Undine Street; ZBA #24-029



Luigi Cicero gave notice of appeal from the decision of the Building Department Director for the Town of Colonie, which refused to issue a Building and Zoning Permit for 3 Undine Street on the grounds that such would be in violation of the Town of Colonie Land Use Law for the following reason(s):

The proposed subdivision of a 27,000± sq. ft. lot into (4) 6,750± sq. ft. lots with 67.5 ft. front lot lines and 67.5 ft. width at the front building setback line for the future construction of a single-family dwelling on each lot with a 30 ft. front yard setback and 20 ft. total side yard setback is not compliant with the 18,000± sq. ft. minimum lot size, 80 ft. minimum front lot line, 80 ft. minimum width at the front building setback line, 40 ft. minimum front yard setback and 25 ft. total side yard setbacks required in a Single Family Residential (SFR) Zoning District as stated in the Town of Colonie Land Use Law, Article VI, Section 190-24, 190-25, Attachment #2 – Dimensional Table.

Luigi Cicero has petitioned the Zoning Board of Appeals for a variance from the strict application of said provisions, specifically an area variance as set forth above.

Whereas, said Board, on the 17th day of July, 2024, and after due notice, held a public hearing on said appeal, at which hearing any and all persons interested in said appeal were given an opportunity to appear and be heard thereon; and

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

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

____ APPROVED ____ APPROVED IN PART ____ CONDITIONALLY APPROVED X DENIED

CONDITIONS: N/A

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

Certificate

I, Peter Crouse, Chairman of the Zoning Board of Appeals of the Town of Colonie, do hereby certify that the foregoing is a true copy of a decision of the Zoning Board of Appeals made at a meeting thereof duly called and held on the 17th day of July, 2024.

Date: August 1, 2024

Peter R. Crouse, Chairman
Zoning Board of Appeals

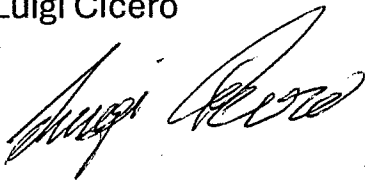
To the Chairman of the Board,

We are the owner of this parcel of land since 1987, at the time we had two building permits for two family dwelling after survey the land there were several cars on it from the junkyard across the street which made impossible to build.

At this time, we propose to subdivide this parcel drew from four lots into three lots size 90ft frontage 100ft deep by doing that we are meeting all the present set back required to build three single dwelling homes. We kindly ask the board to take all this in consideration.

Thank you.

Luigi Cicero

A handwritten signature in black ink, appearing to read 'Luigi Cicero', written in a cursive style.