



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: November 22, 2024
To: Members of the Zoning Board of Appeals
From: Chretien T. Voerg, P.E., Director
Subject: **Zoning Board of Appeals Agenda – December 4, 2024**

Adjourned Hearings:

24-045 27 Grapevine Place – David Burger
24-049 20 Jules Drive – Barbara Davis
24-047 4 Maplewood Avenue – Gabriela Mandieta

New Hearings:

24-048 86 Fonda Road – Cillis Builders
24-054 645 Boght Road – Marini Land II Inc



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Peter R. Crouse
Chairman

TAKE NOTICE, that the Town of Colonie Zoning Board of Appeals will hold a public hearing at the Public Operations Center, 347 Old Niskayuna Road, Latham, in the Town of Colonie, on the **6th day of November 2024**, at **7:00 p.m.** to hear the appeal of **David Burger** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **27 Grapevine Place**. The proposed subdivision of a 10,800+ sq. ft. lot into two lots, lot 1-(Grapevine Place) – a 4860+ sq. ft. lot with an existing single family dwelling, and lot 2-(Arcadia Avenue) – a new 5,940+ sq. ft. lot for the future construction of a new single family dwelling, with a 60 ft. front lot line, 60 ft. width at the front building setback line, and with a 15 ft. front 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, 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 public may view and listen to the Zoning Board of Appeals hearing on the Town's website by typing <https://coloniemy.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 18, 2024



TOWN OF COLONIE

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

Peter G. Crummey
Town Supervisor

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<https://www.colonie.org/boards/zba/>

Peter R. Crouse
Chairman

TAKE NOTICE that the Town of Colonie Zoning Board of Appeals will hold a public hearing at the Public Operations Center, 347 Old Niskayuna Road, Latham, in the Town of Colonie, on the **20th day of November 2024, at 7:00 p.m.** to hear the appeal of **Barbara Davis** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **20 Jules Drive**. The proposed modification of an existing single family dwelling into a two family dwelling is not an allowable use in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article V, Section 190-18, Attachment #1 – Table of Permitted Uses. The Zoning Board of Appeals will hear the request for variance from the provisions of the Code of the Town of Colonie, Chapter 190 to permit such construction and use and a SEQR Determination for such appeal. The public may view and listen to the Zoning Board of Appeals hearing on the Town's website by typing <https://colonieny.igmp2.com/Citizens/Default.aspx> in your web browser. The public may present comments to the Board in person or by emailing infozba@colonie.org. (Emailed comments must be received at least 24 hours in advance). Such comments will be read and addressed by the Chairman during the hearing.

ZONING BOARD OF APPEALS
PETER R. CROUSE, CHAIRMAN

DATED November 4, 2024



TOWN OF COLONIE

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

Peter G. Crummey
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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 **20th day of November 2024**, at **7:00 p.m.** to hear the appeal of **Gabriela Mendieta** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **4 Maplewood Avenue**. The proposed home occupation level 1, an international package shipping company, in a Single Family Residential (SFR) Zoning District is not compliant with the home occupation standards as stated in the Town of Colonie Land Use Law, Article X, Section 190-53, Attachment #1 – Table of Permitted Uses. 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 November 4, 2024



TOWN OF COLONIE

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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 **4th day of December 2024, at 7:00 p.m.** to hear the appeal of **Cillis Builders** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **86 Fonda Road**. The proposed construction of a 4,464 ± sq. ft. two-family dwelling, replacing an existing 2,088 ± sq. ft. two-family dwelling is not compliant with the prohibition of enlargement of a non-conforming use in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article VIII, Section 190-34, 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 November 21, 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. Z20240101G

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: 86 FONDA RDCity: Cohoes State: NY Zip: 12047Property Owner's Name: Cillis BuildersAddress: 88 NEXTON STCity: ALBANY State: NY Zip: 12205

Phone W _____ H/Cell _____

Property Owner's Email: _____

Contractor's Business Name: Cillis Builders

(insurance must match business name)

Address: 88 NEXTON STCity: ALBANY State: NY Zip: 12205Phone W _____ Cell 518-857-4406ESTIMATED COST \$ 175K 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 ☐ SL-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)

WITH A DETACHED 2 CAR GARAGE

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: REPLACE old two family
WITH A NEW TWO FAMILYc) Gross Floor Area: Existing: 2,996 square feet FOOT PRINT
Proposed: 3,880 square feet FOOT PRINT
DIFFERENCE Total: 884 square feet FOOT PRINT

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: 4.74 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 219.22

Building Setbacks:

	Existing	Proposed
Front Yard Depth:	feet 76	feet 82
Left Side Yard:	feet 300	feet 315
Right Side Yard:	feet 85	feet 23
Rear/Front Yard Depth:	feet 380	feet 378
Existing Building Height (at peak):	feet 30	stories 2
Proposed Height (at peak):	feet 22	stories 1

APPROVAL (DISAPPROVAL)

APPROVAL IS VALID FOR 1 YEAR

SIGNATURE: Ted DeLuca

PRINT NAME: TED DELUCA

DATED: 9/10/24

TITLE IN COMPANY: Agent

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

FOR OFFICIAL USE ONLY

I, U.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: 9/13/24

SIGNATURE OF ZONING OFFICER

The proposed construction of a 3,880 ± sq. ft. two family dwelling, replacing an existing 2,996 ± sq. ft. two family dwelling is not compliant with the prohibition of enlargement of a non-conforming use in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article VIII Section 190-34, 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.# 5.3-2-12.1Is 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: October 22, 2024

(being) (owner)
1. The undersigned, (representing) the (lessee) of (identify property by lot and block or otherwise) SBL #5.3-2-12.1 located at 86 Fonda Road, hereby gives notice of appeal from the decision of the (Bldg. Dept. Manager) made on the 13th 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 construction of a 4,464 ± sq. ft. two family dwelling, replacing an existing 2,088 ± sq. ft. two family dwelling is not compliant with the prohibition of enlargement of a non-conforming use in a Single Family Residential (SFR) zoning district as stated in the Town of Colonie Land Use Law, Article VIII Section 190-34, 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:

X 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:

X 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:

X 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): _____

X SEE ATTACHED

X 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.

Signature: TED DEUR

Print Name: TED DEUR

Address: PO Box 442

NEWARK NY 12128

Owner or lessee if other than above

STATE OF
COUNTY OF

SS:

Subscribed and sworn to before me this 22nd day of October, 2024

Name _____

Mailing _____

Address _____

12/10/14

Victoria Normandin
Notary Public State of New York
Qualified in Albany County #01906190776
Commission Expires 08/04/20 28

Zoning Board Variance Appeal for : 86 Fonda Rd

Appeal form attachment :

2 (a) Appellant alleges: There are unusual circumstances and conditions affecting said property that are peculiar to said property and do not apply generally to other property in the vicinity, which circumstances and conditions are as follows:

This parcel is somewhat unique due to it is an existing two family home on a very large 4.74 acre parcel of land. It is in within a Single Family zoning district however the two family use is grandfathered in based on it being built decades ago.

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:

Our unusual and peculiar conditions are, based on the grandfather provision when replacing a two family you are not allowed to expand the ground floor footprint. This does complicate a rebuild due to decades ago houses were a lot smaller and garages we detached. So, to replace this in today's market we obviously want and need to build a larger living space for each unit to support individuals needs and the garages are typically attached to the building which enlarges the ground floor footprint needing a variance.

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 asking to allow the existing two story two family building and detached garage to be removed and build a ranch style two family home with the garages attached using a larger ground floor footprint. None of which violates the required area size or 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:

Granting this variance would not have a detrimental impact on neighbors, public safety or the environment. The enlargement and placement of the new two family will allow for a significant distance to any neighbor and based on the towns required regulations will need to comply with all public and environment standards.

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: 86 Fonda Rd - proposed two family home			
Project Location (describe, and attach a location map): 86 Fonda Rd			
Brief Description of Proposed Action: To remove an existing two family home and detached garage and replace it with a new ranch larger two family home.			
Name of Applicant or Sponsor: Vision Planning Consultants LLC		Telephone: 518 857 4486 E-Mail: visionplanningconsultants@gmail.com	
Address: PO Box 442			
City/PO: Newtonville		State: NY	Zip Code: 12128
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO ☒ YES ☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Building Permit			NO ☐ YES ☒
3.a. Total acreage of the site of the proposed action? 4.74 acres			
b. Total acreage to be physically disturbed? 0.5 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 4.74 acres			
4. Check all land uses that occur on, adjoining and near the proposed action. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____ ☐ Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO ☐ ☐	YES ☒ ☒	N/A ☐ ☐
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? If Yes, identify: _____	NO ☒	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO ☒ ☒ ☒	YES ☐ ☐ ☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO ☐	YES ☒	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO ☐	YES ☒	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO ☐	YES ☒	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO ☒ ☒	YES ☐ ☐	
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? 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: _____	NO ☒ ☒	YES ☐ ☐	
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 plain?	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? ☒ NO ☐ YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☒ YES Town approved systems _____	NO ☐ ☐ ☐	YES ☒ ☐ ☐	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	☒	☐
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 AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>JED DECCA</u>		Date: <u>10/19/24</u>
Signature: <u>[Signature]</u>		

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

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☐	☐
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)?	☐	☐

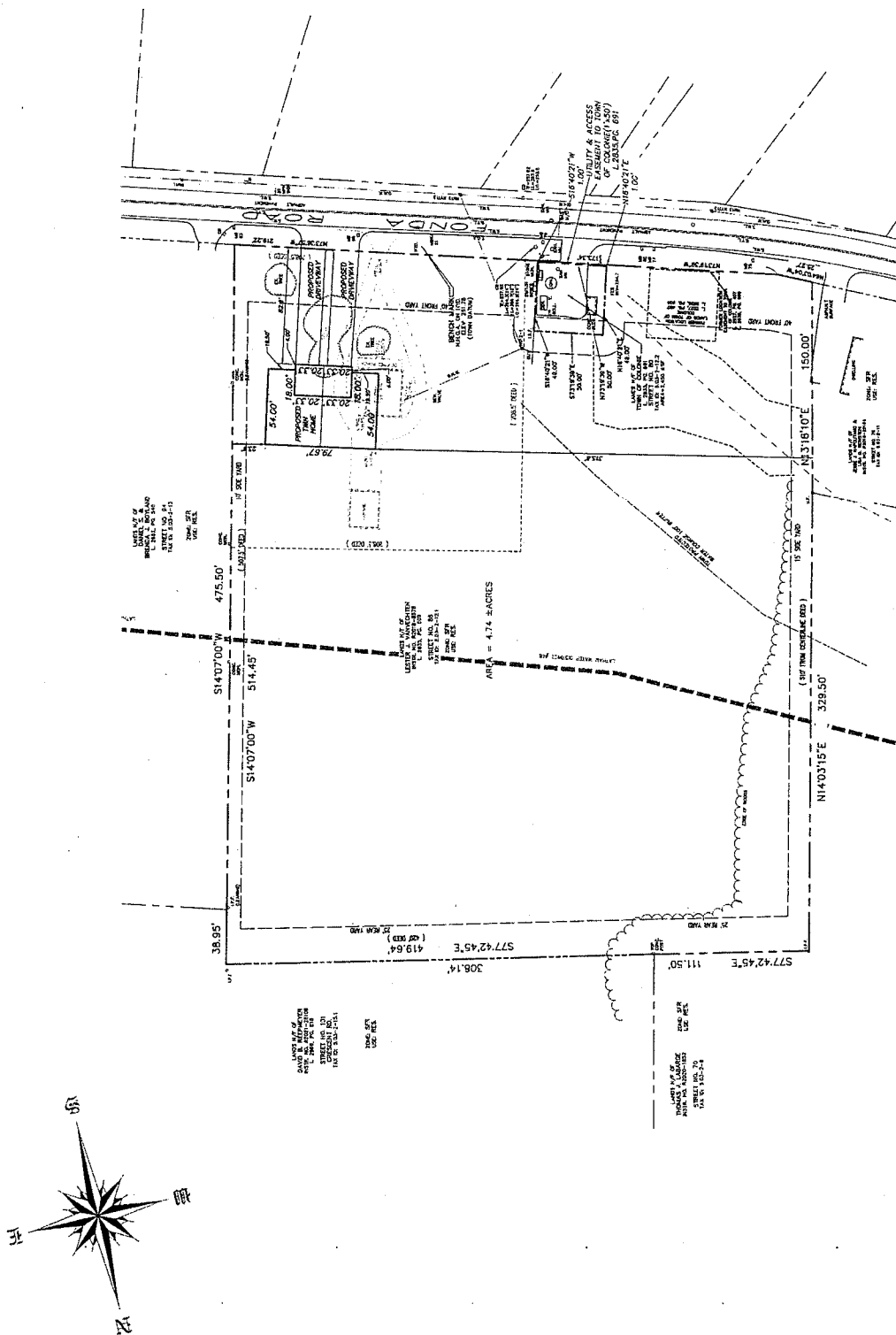
[illegible]

SURVEY NOTES:

[illegible]

MAP REFERENCES:

- BOUNDARY LINE ADJUSTMENT, BETWEEN LANDS
OF RESPONDENT (2008-4018) WITH OTHER LANDS
OF RESPONDENT (2007-1013) (1271-131) &
(2018-441), FILED, 1128 & 98 FORM A
2010-COLUMBIA, N.J. DATED JAN. 1, 2018.
LAST PREPARED BY FREEDMAN, J. 2016, AS
PREPARED BY FREEDMAN, J. METEOR LAND
SURVEYOR, P.C. AND FILED IN THE ALBANY
COUNTY CLERKS OFFICE AS MAP NO. 1364.
SURREY OF LANDS W/T OF MERRILL & MARRON
RESPONDENT TO BE CONVERTED TO TOWNSHIP &
TOWN VILLAGE, TOWN OF COLUMBIA, ALBANY
COUNTY, DATED JANUARY 9, 2000, AS
PREPARED BY BRIAN R. McLESTER, P.L.S.



Points of interest regarding area variance for – 86 Fonda Rd

- This property is within a Single Family Residential zoning district and has an existing two story two family home with a detached garage on 4.74 acres. This two family home was built decades ago prior to when this district only allowed for one family homes. However, based on the grandfather provision obviously our two family use is allowed to remain with exceptions. (see existing/proposed site plan)
- There are several exceptions which we are complying with except one. The one exception we are not complying with requires an area variance if we are enlarging the ground floor footprint as a result of demolishing this much older style two story two family and building a ranch style two family.
- The reasons for this request are, the existing two family is in need of repairs and the existing units have much smaller rooms, much older utilities, older bath rooms, kitchens, heating and plumbing systems plus a detached garage in the rear. Therefore to improve all of this and provide a better product, we are proposing to demolish the existing two family and build a new ranch style two family. Obviously, we are offering a tenant more ground floor living space all on a desirable one floor. Plus having a garage attached to the living area. All of this requires more ground floor footprint and a need for the variance. However, this design is more appropriate then to rebuild a two story two family with a detached garage that tenants would need to walk to in the rear yard. (see proposed building)
- Currently the property is very large and even with this increased footprint we exceed all of the zoning setback requirements. Our parcel is subject to be reduced in area size only if the adjoining proposed subdivision is approved. However, based on discussions with the building department zoning officer our parcel will still far exceed the zoning area requirements. By the officers direction it will not have any negative impact or preclude us from this proposal or require any further variances for this parcel. (see subdivision site plan)
- This is a brief overview of our proposal and we look forward to further discussions at our meeting.

Area Variance Criteria for: 86 Fonda Rd.

Addressing the detriment to the character of the neighborhood:

Our proposal will not create any detriment to the neighborhood. We are simply asking to demolish an old two story two family home and garage that needs much updating and build a new ranch style two family. In doing so, we will comply with all the current codes and environmental requirements to further safe guard the neighbors.

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

Honestly, we can rebuild the same size two story two family without the need of a variance to expand the ground floor area however, our goal is to build a ranch style two family which is more desirable, a safer structure that will meet all the current code and energy requirements and will be provide a better option for older tenants to occupy.

Addressing whether this is a substantial variance:

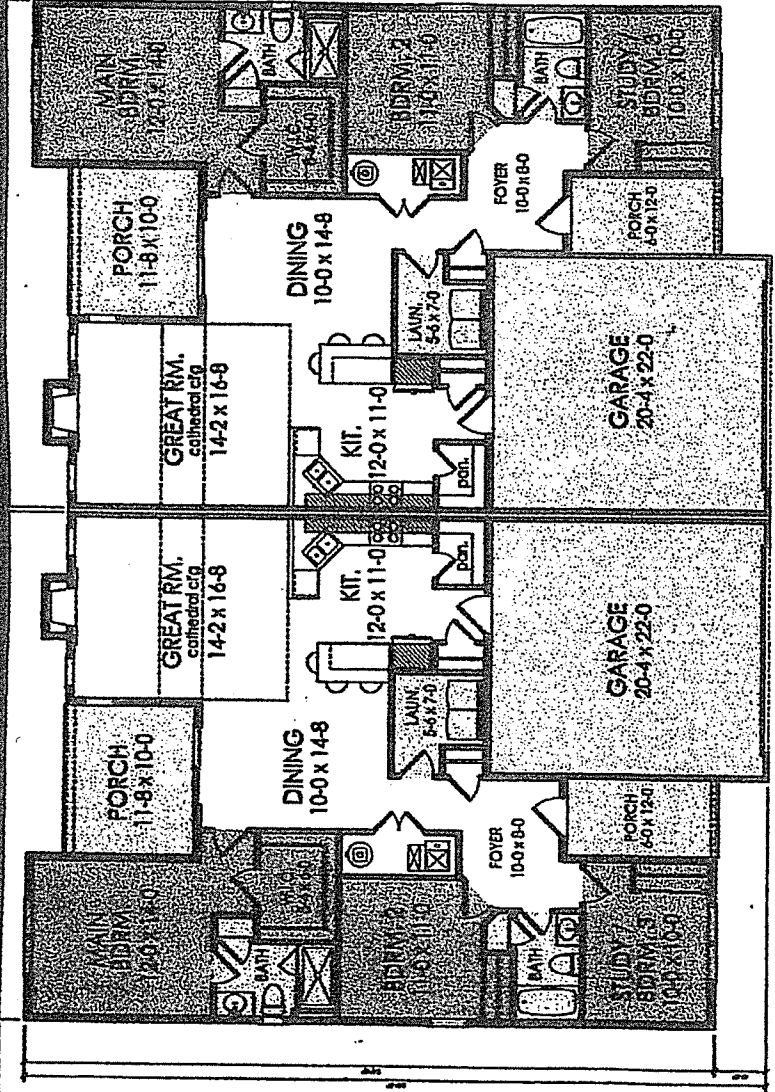
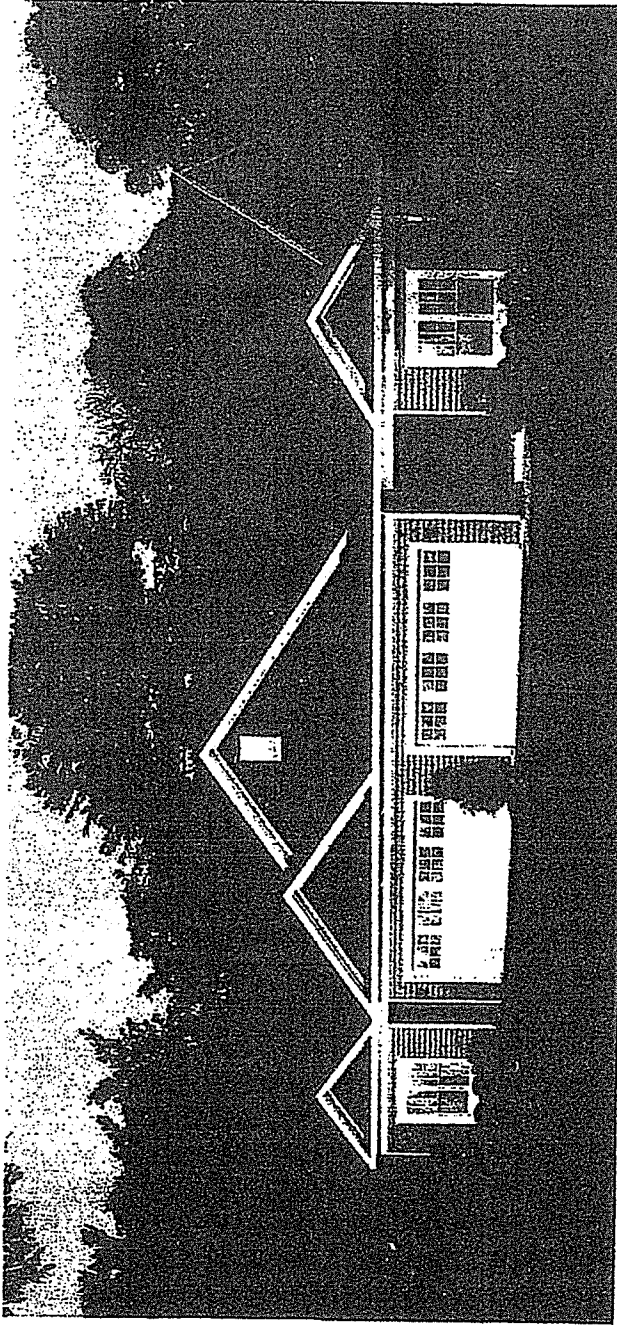
We feel this is not a substantial variance based on enlarging our footprint we still will comply with all the required area and setback requirements. We will be using the same service utilities and providing a wider safer driveway.

Addressing the adverse effect on the physical and environmental impact:

Once again, this will not have a negative physical or environment impact based on it will be built to the current codes which oversee these standards. Also, we will need to comply with all the storm water regulations which were not in place when this former building was built. We are only removing two trees for this proposal.

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

I assume this can be considered a self-created action however, by removing this older two story two family home and proposing a ranch style two family home it offers so much more opportunity for renters to be on one floor and have a new safer living space which is close to where the town offers so many amenities. Another benefit is this proposal is on one private parcel of land and not in a large apartment style complex community which is very desirable.





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 **4th day of December 2024, at 7:00 p.m.** to hear the appeal of **Marini Land II Inc** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **645 Boght Road**. The proposed minor subdivision of a 13.86-acre lot into three lots for the future construction of a single-family dwelling on each lot with 16.55 ft., 16.67 ft., and 16.77 ft. front lot lines respectively is not compliant with the 80 ft. minimum front lot line required in Single Family Residential (SFR) zoning district and is not compliant with the requirement to maintain continuous minimum lot widths between the front lot line and front building setback line 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://colonienvy.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 November 21, 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 202401159

ZONING VERIFICATION – SUBDIVISION / MERGER

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

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

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

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

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

Address of site of proposed subdivision:

645 Boght Road Cohoes NY 12047
Number Street City State Zip Code

Name of Applicant: Marini Land II, Inc.

Address of Applicant:
624 Loudon Road Latham NY 12110
Number Street City State Zip Code

Applicant's telephone numbers: W 518 724 2050 Cell _____

Contact Person Nicholas Costa-Advance Engineering & Surveying, PLLC

Contact Person's Address
11 Herbert Drive Latham NY 12110
Number Street City State Zip Code

Contact Person's telephone numbers: W _____ Cell 518 698 3772

Property Owner(s): Michael & Tiffany Reo and Donald & Jamie Anderson

Address of Property Owner:
6 Vista Court Waterford NY 12188
Number Street City State Zip Code

Property Owner's telephone numbers: W _____ H _____

2. FEE

A non-refundable fee is required at time of application or when processed and ready for pickup.

Minor Subdivision / Merger (1 – 4 lots) \$250.00 Check # 1820 Cash _____
Major Subdivision / Merger (over 4 lots) \$400.00 Check # _____ Cash _____

3. PLOT PLAN

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

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

Over

4. APPLICANT'S PROPOSED SUBDIVISION / MERGER:

Describe Present Use: Parcel currently is undeveloped and vacant.

Describe the proposed subdivision / merger in detail:

Applicant is proposing to subdivide the 13.86+/- acre parcel into three (3) lots that would be reserved for the development of residential lots in compliance with the Single Family Residential (SFR) Zone.

5. SITE STATISTICS:

How many existing parcels comprise the project site? one (1)

Total number of parcels after subdivision or merger? Three (3)

The project site is located in what zoning district(s)? Single Family Residential (SFR)

(Refer to Town of Colonie Zoning Map/Laws)

Total area of existing parcel(s): acres 13.86+/-, and square feet 603,742+/-

Proposed Lots:

Maximum lot size: square feet 248,847+/-

Minimum lot size: square feet 111,914+/-

Proposed Streets:

Streets proposed to be constructed? Yes No X

If no, is the parcel on a dedicated street? Yes X No

What is the minimum right-of-way width proposed? NA ft.

What is the minimum frontage on a street a proposed lot will

have 16.67+/- ft?

Buildings:

How many units are proposed? Three (3)

What are the proposed uses? Residential

What is the density (units per acre)? 0.22

What is the maximum height of any building to be constructed? 35+/- feet

Stories (If known at this time)? two (2) stories

SIGNATURE OF APPLICANT: _____

PRINTED OR TYPED COPY OF SIGNATURE: Nicholas Costa-Advance Engineering & Surveying, PLLC DATE 10.23.24

XXXXXXXXXX ZONING OFFICERS DECISION BELOW XXXXXXXXXXXX

Are there easements on the property Yes No ☒ No
Parcel in/near a floodplain Yes No ☒ No
Parcel in/near a wetland Yes No ☒ No
Variance granted on property Yes No ☒ No
Copy of Assessor's card(s) attached Yes No ☒ No
Copy of County Tax Map Yes No ☒ No

Was the parcel created or divided since 1966 Yes ☒ Yes ☒ No
Protected watercourse on/near the property Yes ☒ Yes ☒ No
Is existing use nonconforming Yes ☒ Yes ☒ No
Subdivision of record on file Yes ☒ Yes ☒ No
Existing violation or outstanding permit Yes ☒ 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

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

I, J.S. MANNAN, 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 SIGNATURE OF ZONING OFFICER _____
SIGNATURE OF ZONING OFFICER _____

DISAPPROVED DATE 10/29/24

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

The proposed minor subdivision of a 13.86-acre lot into three lots for the future construction of a single-family dwelling on each lot with 16.55 ft., 16.67 ft., and 16.77 ft. front lot lines respectively is not compliant with the 80 ft. minimum front lot line required in Single Family Residential (SFR) zoning district and is not compliant with the requirement to maintain continuous minimum lot widths between the front lot line and front building setback line as stated in the Town of Colonie Land Use Law, Article VI, Section 190-24, 190-25, Attachment #2 - Dimensional Table.

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

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

To the Zoning Board of Appeals
Town of Colonie

Date: November 13, 2024

1. The undersigned, ~~(lessee)~~ ~~(owner)~~ the (lessee) of (identify property by lot and block or otherwise) SBL #9.2-1-10.2 located at 645 Boght Road hereby gives notice of appeal from the decision of the (Bldg. Dept. Manager) made on the 24th day of October, 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 minor subdivision of a 13.86-acre lot into three lots for the future construction of a single-family dwelling on each lot with 16.55 ft., 16.67 ft., and 16.77 ft. front lot lines respectively is not compliant with the 80 ft. minimum front lot line required in Single Family Residential (SFR) zoning district and is not compliant with the requirement to maintain continuous minimum lot widths between the front lot line and front building setback line 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)

Brandon K Houle
Notary Public, State of New York
Qualified in Schenectady County
No. 01HO0012854
Commission Expires August 28, 2027

STATE OF New York
COUNTY OF Albany

SS:

Subscribed and sworn to before me this 21st
day of November, 2024

Brandon K. Houle

12/10/14

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 NICHOLAS COSTA, AGENT FOR APPLICANT

Address 11 HERRANT DRIVE
LATAM, NY 12110

Owner or lessee if other than above

Name MAJINI LAND II, INC.

Mailing Address 624 LOWSON ROAD

LATAM, NY 12110



Advance Engineering & Surveying, PLLC

Consulting in: Civil & Environmental Engineering • Land Surveying • Land Development
11 Herbert Drive
Latham, N.Y. 12110
Phone: (518) 698-3772
Email:ncostape@gmail.com

Nicholas Costa, PE

APPEAL FROM DECISION OF ADMINISTRATIVE OFFICIAL APPLICATION FOR INTERPRETATION/VARIANCE

645 Boght Road (Wetherby Court) Responses to Appeal

Questions

The Applicant is seeking an Area Variance for the construction of three (3) Residential Lots located at 645 Boght Road (also has frontage on Wetherby Court). The proposed confirm with the lot area required in the Single Family Residential (SFR) zone but do not have the required 80 feet of frontage.

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 subject parcel is located in the SFR (Single Family Residential) Zone per the Town of Colonie Code. The property can be developed with Single Family Residential parcels. However, the parcel only has 50 feet of frontage on a Town highway, Wetherby Court and therefore cannot meet the minimum lot frontage of 80 feet required in the SFR zone. Without extending the existing Wetherby which currently terminates at a cul-de-sac, the parcel cannot expand the frontage to the required 240 feet (80 feet per lot) of frontage required to conform to the SFR zone requirements. The applicant has attempted to extend Wetherby Court and develop an additional 12 lots. That proposal has been met with much resistance by the neighboring property owners and the applicant has decided to abandon that proposal and seek the necessary Area Variance(s) to develop three residential lots.

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

The applicant of the subject parcel would have practical difficulties in carrying out the strict application of the Zoning Law. The applicant does not own any additional property along the Wetherby Court. The adjacent parcels to the subject parcel are all privately owned. The zoning of the parcel SFR allows the parcel to be developed for single family residential purposes which the applicant is proposing but requires area variances so that the proposed single family lots can be developed with reduced frontage as approved in the area variance(s). The parcel is located in the Single Family Residential (SFR) zone that has been very active and successfully developed. Adjacent to the parcel along its boundaries there is development (Ridgeview Meadows Development) that is similar to the residential development that is being proposed by the Applicant. The proposed residential development is complimentary to what surrounds the parcel.

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

Approve the Area Variance(s) requested by the Applicant that will permit the Residential development of the parcel in a neighborhood with existing uses that are complimentary and the proposed use will preserve the residential integrity that dominates the area. The proposed Residential use is allowed in the SFR Zone.

Attached hereto is a plot plan of said property, showing the proposed development of the three (3) SFR lots together with proposed access drives connecting to the road and the existing conditions of the subject parcel and the available municipal infrastructure.

4. Appellant further alleges that such a 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):

As noted above the proposed Residential Use of the property is permitted and matches the existing uses in the neighboring parcels. The proposed architectural style of the buildings will replicate some of the architectural designs exhibited at the nearby existing residential development (Ridgeview Meadows Subdivision currently under

construction). The proposed design compliments the adjacent properties (Ridgeview Meadows Subdivision and the Dutch Meadows Subdivision) and will not be detrimental to the properties or persons in the neighborhood and the public safety & welfare would be secured and substantial justice done by the granting of the requested Area Variance.

645 boght rd response to variance questons.docx

Short Environmental Assessment Form

Part 1 - Project Information

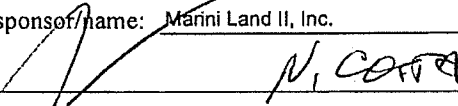
Instructions for Completing

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.

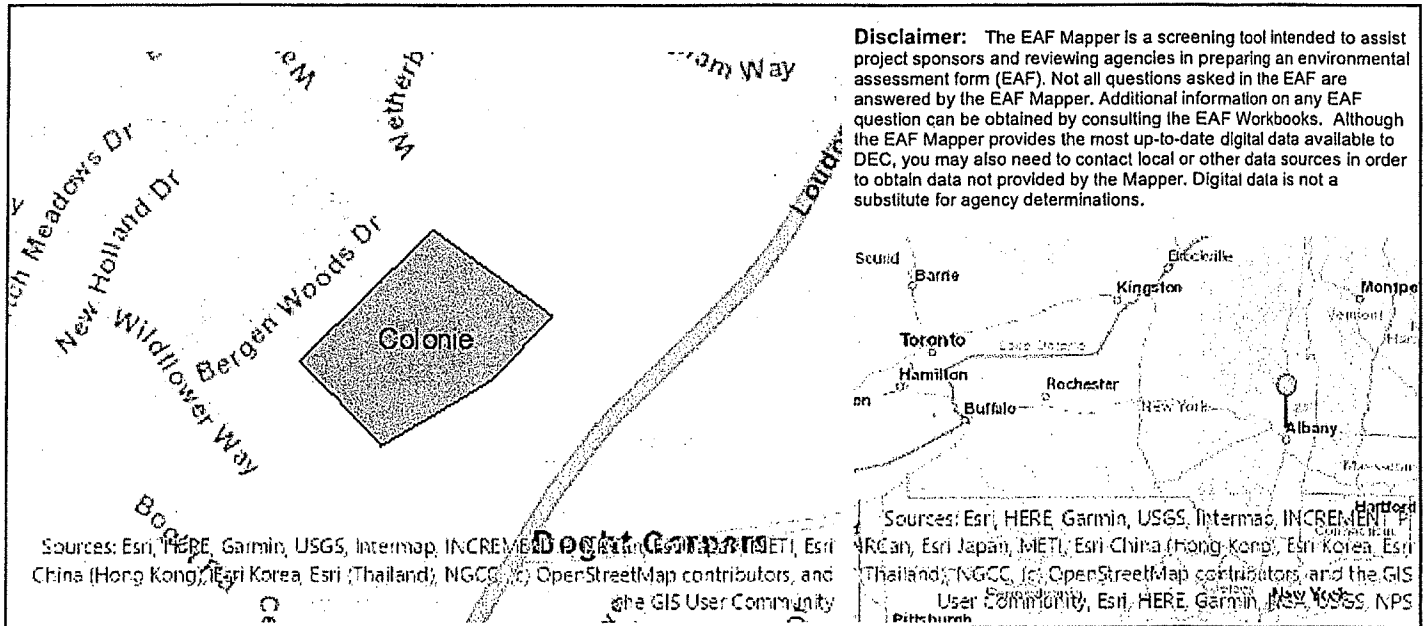
Part 1 – Project and Sponsor Information							
Name of Action or Project: Proposed Three (3) Lot Subdivision							
Project Location (describe, and attach a location map): 645 Boght Road, Cohoes NY 12047							
Brief Description of Proposed Action: Applicant is proposing to Subdivide the existing 13.86 acres parcel into three (3) Single Family Residential lots. Proposal will require area Variances for insufficient frontage. The parcel is located in the Single Family Residential (SFR) Zone which requires 80 feet of minimum frontage. The three lots will have 16.55 feet, 16.77 feet and 16.67 feet of frontage, respectively.							
Name of Applicant or Sponsor: Marini Land II, Inc.		Telephone: 518 724 2050 E-Mail: rmarini@marini.com					
Address: 624 Loudon Road							
City/PO: Latham		State: NY	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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</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: Town of Colonie Zoning Board of Appeals - Area Variances			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;">☐</td> <td style="text-align: center;">☒</td> </tr> </table>	NO	YES	☐	☒
NO	YES						
☐	☒						
3. a. Total acreage of the site of the proposed action?		13.86+/- acres					
b. Total acreage to be physically disturbed?		0 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		13.86+/- 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: The stormwater runoff generated from the proposed new homes will be directed to existing stormwater practices.		
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>Marini Land II, Inc.</u> Date: <u>11, 19, 24</u> Signature: <u></u> Title: <u>Agent for the applicant</u>		

EAF Mapper Summary Report

Thursday, November 21, 2024 8:58 AM



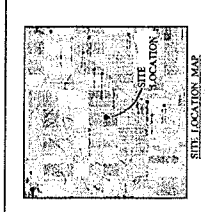
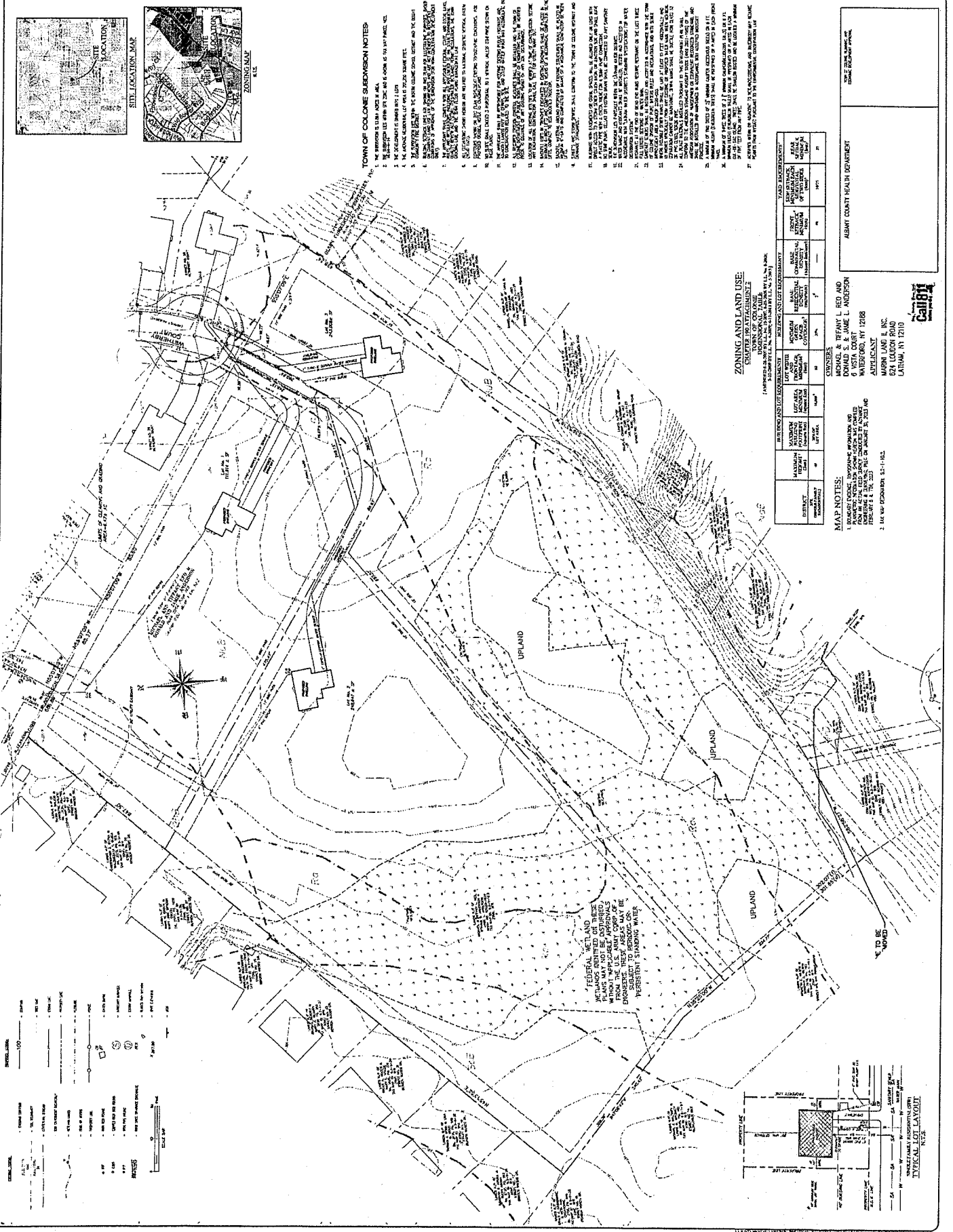
Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local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

DATE: JANUARY 3, 2011	PROJECT: DUTCH MEADOWS II PROPOSED SUBDIVISION
CLIENT: ALBANY COUNTY HEALTH DEPARTMENT	DESIGNER: ADVANCE ENGINEERING & SURVEYING, LLC
SCALE: 1" = 100'	DATE: JANUARY 3, 2011
BY: [Signature]	CHECKED: [Signature]
DATE: [Signature]	DATE: [Signature]



ADVANCE ENGINEERING & SURVEYING, LLC
 CIVIL & ENVIRONMENTAL ENGINEERING
 LAND SURVEYING & DEVELOPMENT
 1111 EIGHTH STREET, LATHAM, NY 12110
 (518) 338-1111
 FAX: (518) 338-1111

DATE: JANUARY 3, 2011	PROJECT: DUTCH MEADOWS II PROPOSED SUBDIVISION
CLIENT: ALBANY COUNTY HEALTH DEPARTMENT	DESIGNER: ADVANCE ENGINEERING & SURVEYING, LLC
SCALE: 1" = 100'	DATE: JANUARY 3, 2011
BY: [Signature]	CHECKED: [Signature]
DATE: [Signature]	DATE: [Signature]



TOWN OF COLOMBO SUBDIVISION NOTES

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ZONING AND LAND USE:

CHAPTER 124, § 124-1.1. ZONING AND LAND USE.

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CONTRACTOR:

ADVANCE ENGINEERING & SURVEYING, LLC

1111 EIGHTH STREET, LATHAM, NY 12110

(518) 338-1111

FAX: (518) 338-1111

CLIENT:

ALBANY COUNTY HEALTH DEPARTMENT

60 WEST CORTLAND STREET, ALBANY, NY 12208

(518) 462-1234

FAX: (518) 462-1234

DESIGNER:

ADVANCE ENGINEERING & SURVEYING, LLC

1111 EIGHTH STREET, LATHAM, NY 12110

(518) 338-1111

FAX: (518) 338-1111

DATE:

JANUARY 3, 2011

PROJECT:

DUTCH MEADOWS II PROPOSED SUBDIVISION



Advance Engineering & Surveying, PLLC

Consulting in: Civil & Environmental Engineering • Land Surveying • Land Development
11 Herbert Drive
Latham, N.Y. 12110
Phone: (518) 698-3772
Email:ncostape@gmail.com

Nicholas Costa, PE

Project Narrative Proposed Residential Subdivision at 645 Boght Road Town of Colonie, Albany County November 2024

Site Address: 645 Boght Road
Applicant: Marini Land II, Inc.
Contact: Robert Marini, Jr.
Email:rmarini@marini.com
518 724 2050

Engineer: Advance Engineering & Surveying PLLC
Nicholas Costa
518-698-3772

Proposed use: Single Family Residential
Zoning: Single Family Residential (SFR)
Site Area: 13.86± acres

Description of Existing Site and Use

The parcel being subdivided contains approximately 13.86 acres and is located at the terminus of Wetherby Court, which was recently extended. The parcel is currently vacant. The parcel is identified as tax map no. 9.2-1-10.2 and is located in the Single Family Residential (SFR) district zone.

The site topography is gently to moderately sloping and generally slopes towards the northwest quadrant of the parcel. The site drainage follows the topography and discharges into a recently constructed culvert that allows the drainage to continue across the recently constructed Wetherby Court as it continues its route toward the eventual discharge into the Mohawk River. Site vegetation for the majority of the site consists of mature trees and overgrown brush. There are areas that were most recently farmed and those are the areas that are mostly overgrown with brush. Along the property frontage of the recently extended Wetherby Court and within the right-of-way there are municipal services consisting of sanitary sewer and water main; it also contains gas, telephone and CATV. These systems can provide municipal services to the project site.

The Websoil database indicates the project site soils are as following:

NaC – Nassau channery silt loam, rolling
NrD – Nassau very channery silt loam, hilly, very rocky
NuB – Nunda silt loam, 3 to 8% slopes
Ra – Raynham very fine sandy loam

RhB – Rhinebeck silty clay, 3 to 8% slopes
ScB – Scio silt loam, 3 to 8% slopes

The subject parcel does contain ACOE wetlands that are shown and identified on the project plans. These jurisdiction ACOE wetlands will not be disturbed by the proposed residential subdivision.

Description of Proposed Project

The project site is located in the SFR zone and the applicant is proposing to develop the parcel in conformance with the SFR zone requirements and in a similar fashion with the developed adjacent parcels.

The proposed subdivision of the parcel as shown on the Concept Subdivision Plan has been completed and a total of three (3) residential lots. The proposed lots are fully compliant with the minimum area of 18,000 Square Feet (SF). However, the parcel only has 50 feet of frontage along Wetherby Court, a Town of Colonie highway and the minimum frontage of 80 feet required for each lot (total=240 feet) in the SFR zone cannot be met. The applicant is requesting the Area Variance that will allow each lot to be developed with less than 80 feet of frontage along a Town street (Wetherby Court).

Based on the zoning regulations, the site can be developed with Single Family Residential lots as proposed. The applicant has proposed a total of three (3) lots which results in a density of 0.22 units/acre; this is substantially less than the allowed density of 2 units/acre. Utilities necessary to provide the new lots with municipal services will be extended from the existing infrastructure located within the Wetherby Court Right-of-Way along the subject site frontage.

The existing corridor along the Wetherby Court project frontage has sanitary sewer, storm sewer, water system, gas, electric, telephone, and cable television utilities and can service the proposed lots. These systems have sufficient capacities to meet the demands of the proposed development.

Stormwater management will be required for the proposed residential development and it will be provided on-site by the construction of a stormwater management practice that is in accordance with the requirements of the NYSDEC and the Town of Colonie Stormwater regulations for new construction. Portions of the proposed development stormwater runoff will be connected to the existing closed drainage system that already exists along Wetherby Court. This existing system currently discharges into an existing stormwater management basin.

The proposed project site is located within the Single Family Residential (SFR) zone as shown on the Town of Colonie Zoning Map. The proposed Residential land use within this zone is allowed and is a compatible use with existing uses and facilities located along Wetherby Court, in the project vicinity. The use is consistent with land uses permitted in the Town of Colonie Zoning Code.

The proposed project is not proposing any common lands; all of the subdivided parcels will be owned by the future homeowners.

The applicant is proposing to construct residential structures which will be architecturally appealing and will closely resemble those homes that have been constructed or are currently under construction in the neighborhood.

DEVELOPMENT IMPACTS

The proposed development will have minor impacts upon the environment, traffic and community services consisting of police, fire protection and solid waste disposal. These impacts range from none to minor and have been identified and taken into consideration in planning and designing the proposed development.

Impact on physical environment: the property proposed for development, is currently a combination of wooded, open and undeveloped areas. The impact to physical environment will be minor since the proposal does clear or modify the existing wooded, open and undeveloped areas.

Impact upon community services: The proposed development will result in minor impact to community services.

- The subject property lies in the North Colonie School District. It is estimated that once the vacant lot is developed as a 3 single family residential subdivision it may result in six (6) additional school-age children living in the future homes. The existing North Colonie School District has the capacity, facilities and infrastructure to accommodate these new students. It should also be noted that the estimated school age children will not be occurring all at one time but it will vary over the period of time until the entire project is fully developed. The impact upon schools generated by this subdivision is considered minor.
- Police protection will be provided by the Town of Colonie Police Department. These services already exist in the community and encompass the project site. The impacts are considered none to minor.
- Fire protection will be provided by the Boght Community Fire Department. No impacts are expected since the existing equipment and facilities can accommodate the proposed development and currently provide those services to the adjacent neighborhood.
- Sanitary sewer, water, telephone, gas, electric and cable television are fully accessible to the property and have ample capacity to service the proposed subdivision. No impacts are anticipated to occur to community services. Estimated average daily water usage would be 990 gallons per day with a corresponding discharge to the sanitary sewer system. Water and Sanitary sewer district extensions will not be required since the parcel is located within the existing district's limits.
- Solid waste generated by the proposed development will be collected by a private hauler with anticipated disposal at the Town of Colonie Solid Waste Facility. This facility has the capacity to accommodate the estimated 0.6 tons per month of solid waste generated by the new lots. Impacts to solid waste are minimal.
- New traffic will be added to the existing street system from the proposed new development. The proposed 3 lots are estimated to generate 3 A.M. VT (vehicle trips) and 3 P.M. VT during the respective A.M. and P.M. peak commute periods. The local streets have the capacity to accommodate the new traffic generated from the proposed development.

The subdivision is fully compatible with the adjacent developments and land use development goals of the Town of Colonie. The proposed minor subdivision will require Area Variance(s) for the reduction of the required minimum 80 feet of frontage to xxxx feet as shown on the proposed Subdivision Plan.

Description of Project Construction Sequence and Phasing

The proposed project, upon approval, will commence with the installation of Erosion & Sediment Control systems and will be maintained throughout the construction period. The contractor will proceed with the clearing of the existing wooded areas to be removed and the topsoil will be stripped and stockpiled. The next phase will involve the construction of the project utilities which start with the installation of the sanitary sewer first and the water next followed with the installation of the storm sewer systems.

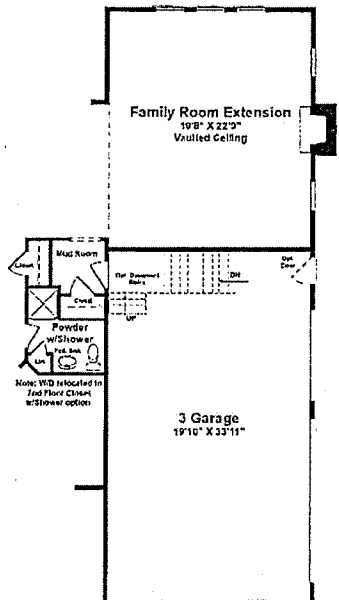
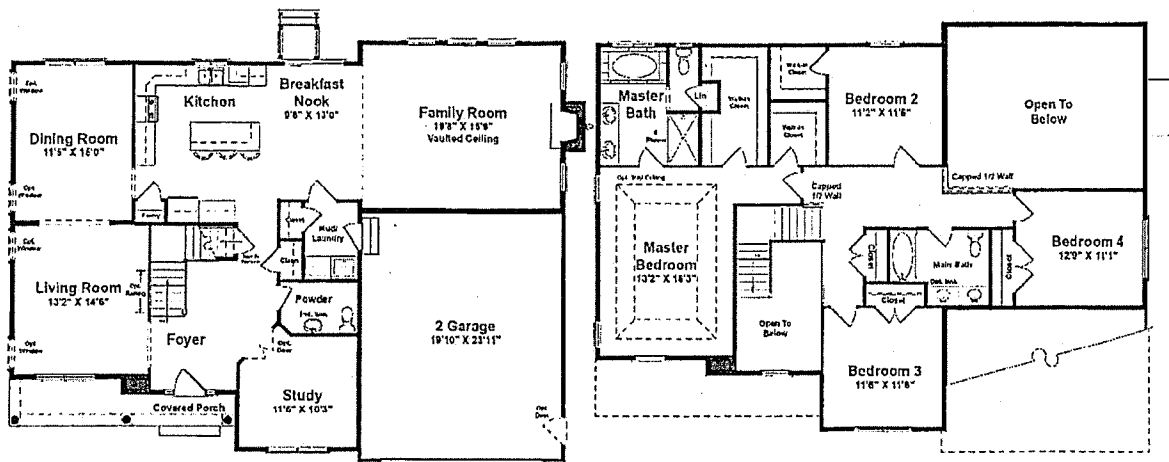
Impact on Town Communications System

The project does not anticipate interference with the Town Communications System.

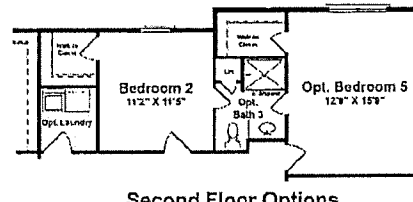
MARINI HOMES, LLC

WETHERBY COURT EXTENSION TYPICAL PLANS



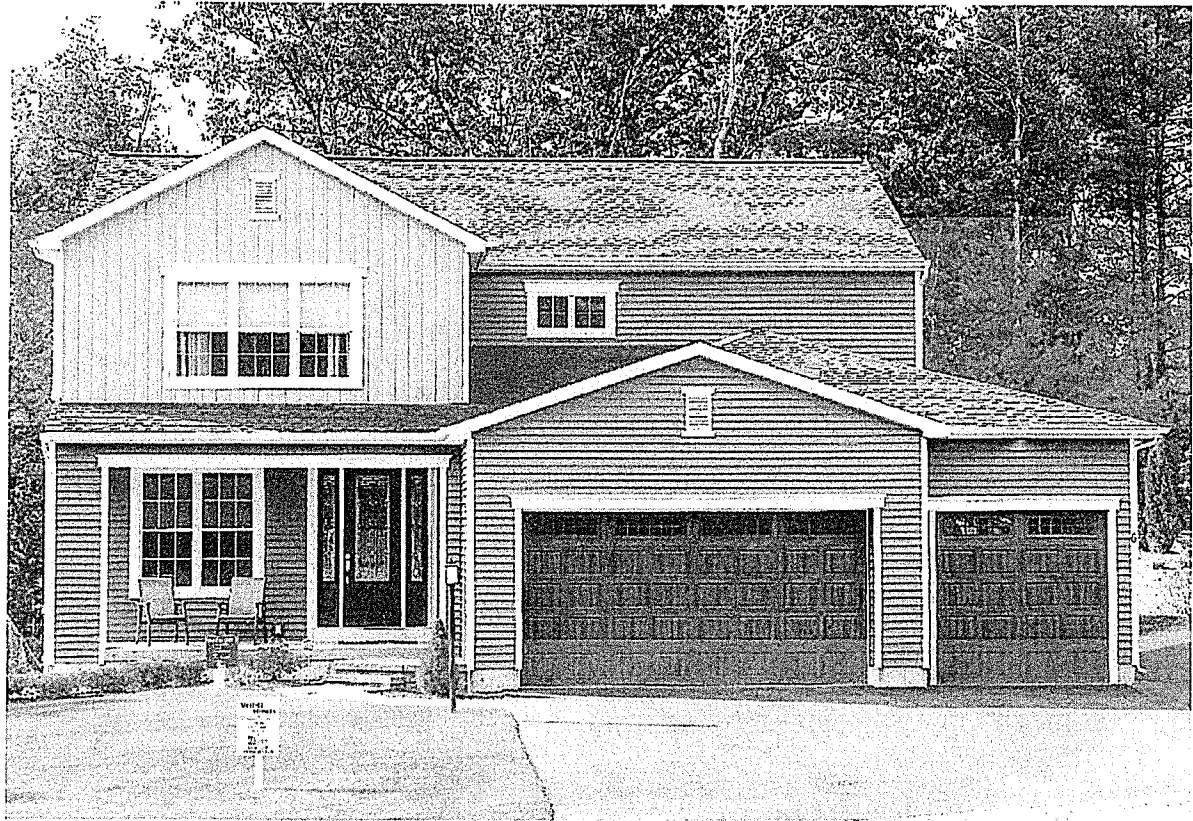


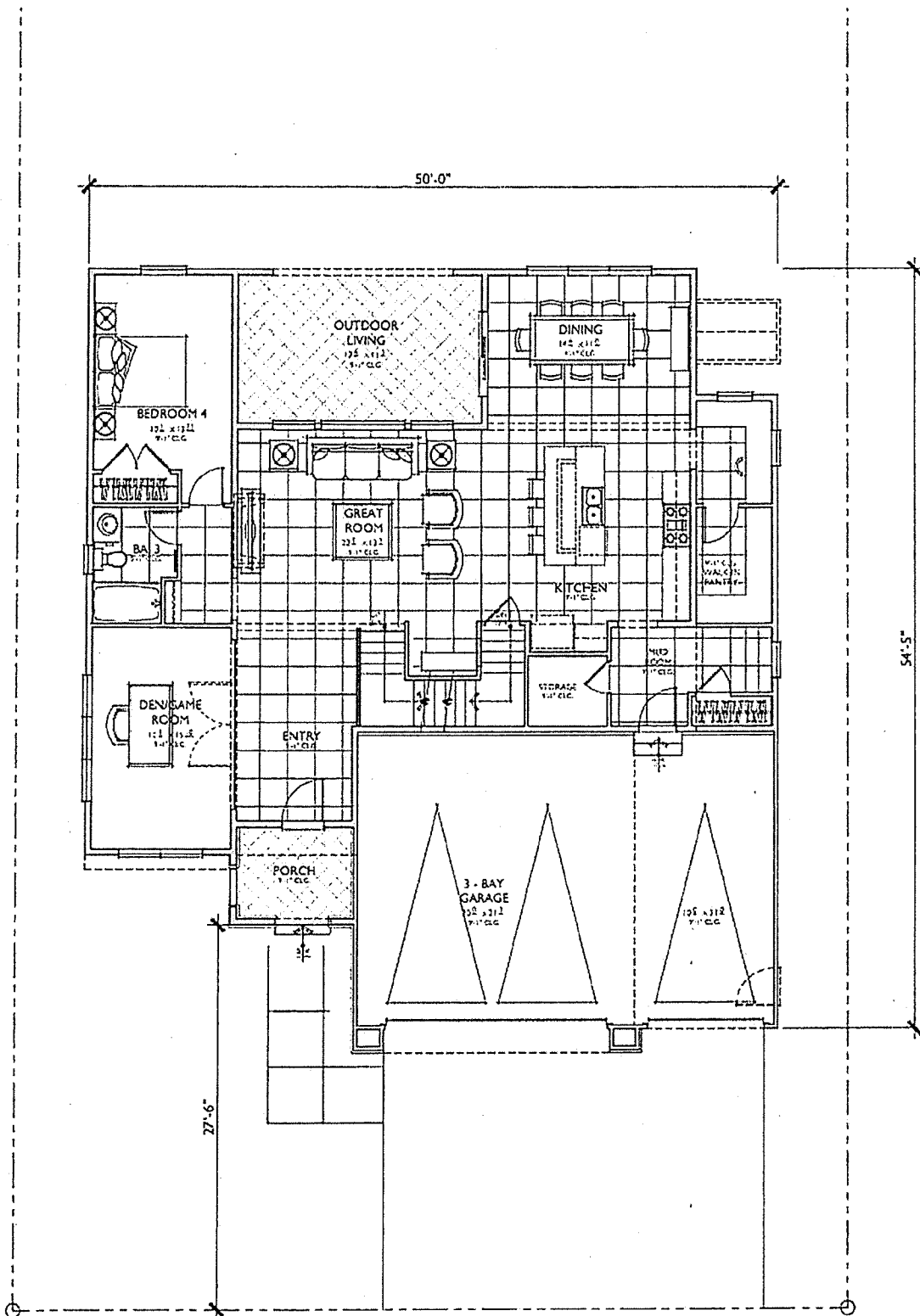
First Floor Options



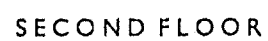
Second Floor Options

Note: Bedroom 3 includes the Optional Bath 3
All other options are separate

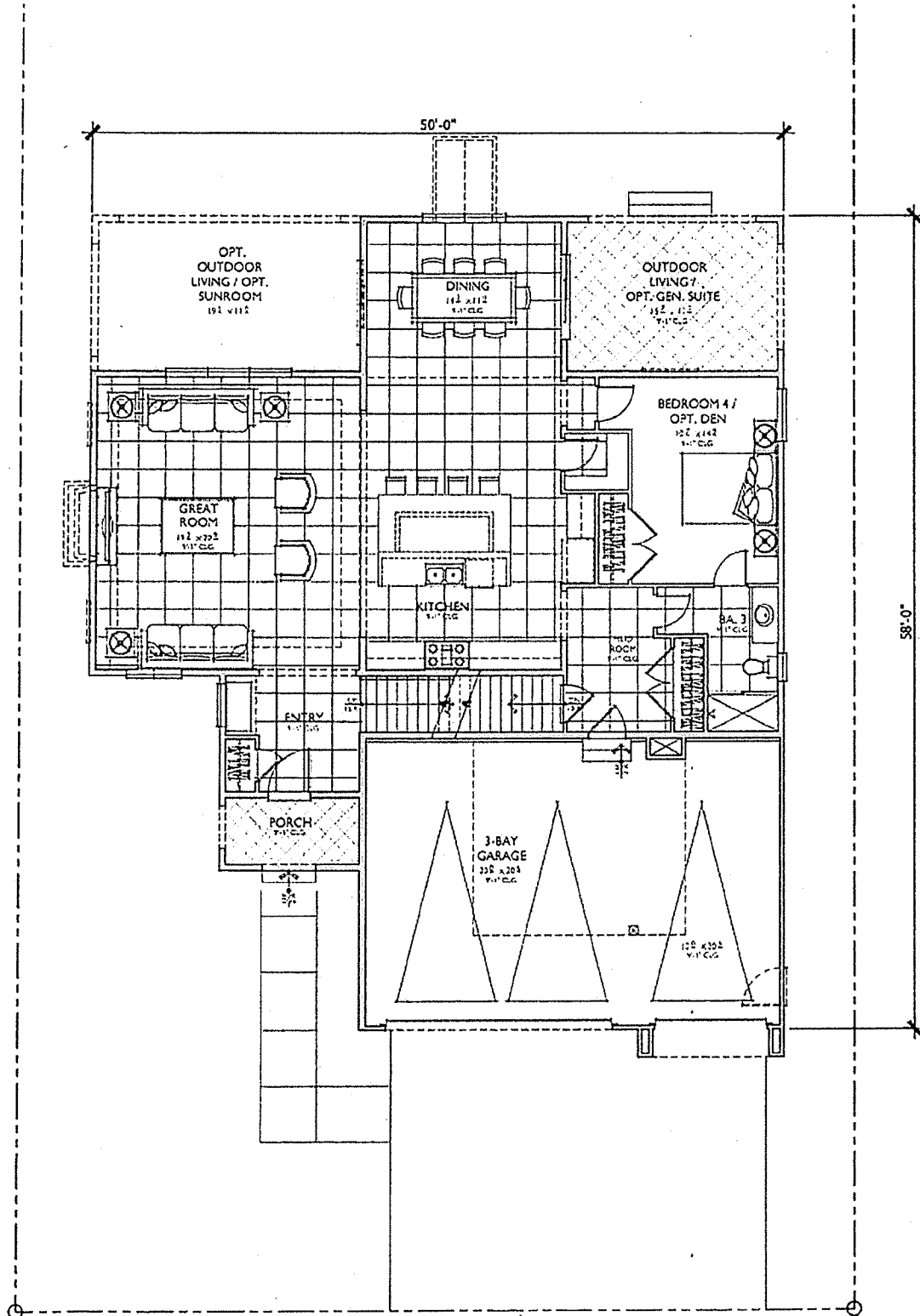




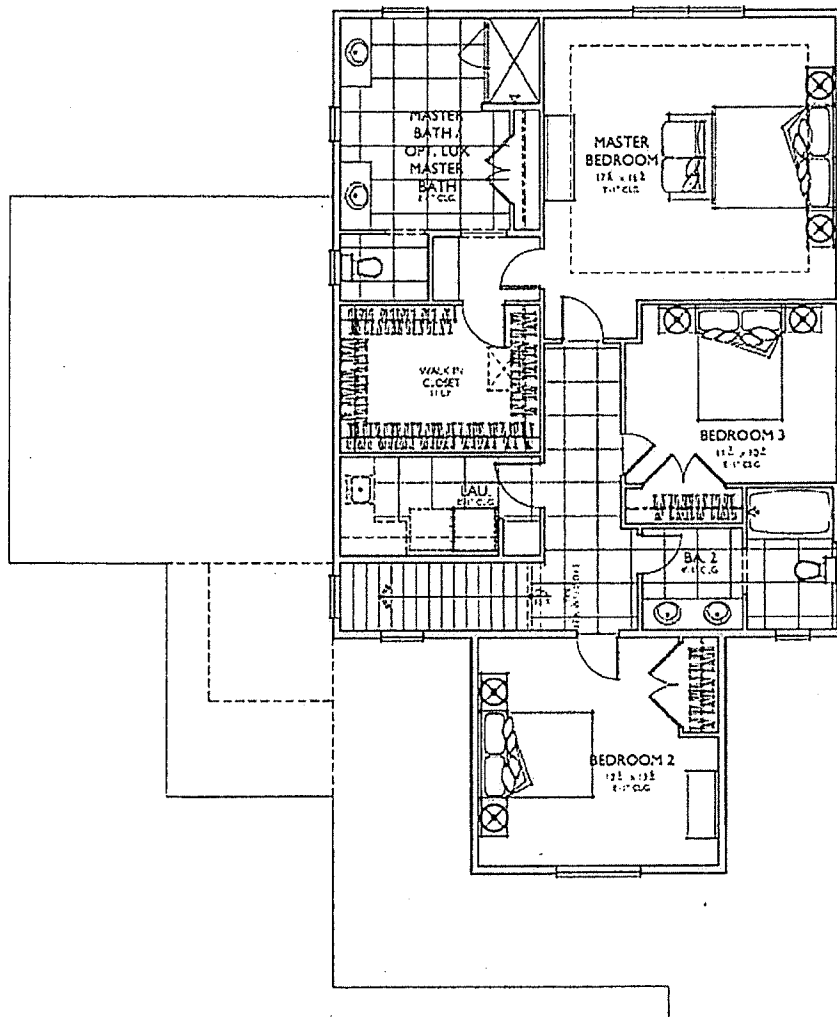
FIRST FLOOR







FIRST FLOOR



SECOND FLOOR