



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.townofcolonie.gov/boards/zba/>

Peter R. Crouse
Chairman

MINUTES OF MEETING ZONING BOARD OF APPEALS August 19, 2026

Chairman Peter R. Crouse called the meeting of the Town of Colonie Zoning Board of Appeals to order on **August 19, 2026**, at **7:00 p.m.**, at the Public Operations Center, 347 Old Niskayuna Road, Latham, New York.

Present: Chairman Peter R. Crouse
Member P.J. Blanchfield
Member Steven Girvin
Member Dr. Kimberly Peregrin
Member George Vogt IV
Member Frederick Weinraub

Absent: Member Christopher Rueckert
Counsel Michael Paulsen, Esq

The meeting minutes of **August 19, 2026**, were reviewed. Member Vogt IV made a motion to approve the minutes. Member Girvin seconded the motion. Upon roll call, the minutes were unanimously approved.

A public hearing was held on the application of **Tung Hang Chen** for the premises located at **10 Delia Street**. **Tung Hang Chen and David Kaufman** made a presentation to the Board. Member Blanchfield made a motion to approve the variance. Member Girvin seconded the motion. Upon calling the vote, the motion to was unanimously approved.

There being no more business, Member Crouse made a motion to close the meeting at **7:13 p.m.** Member Peregrin seconded the motion, and, upon roll call, the motion to close passed unanimously.

Approved: _____
Chairman Peter R. Crouse

Date: _____



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Peter R. Crouse
Chairman

To: Members of the Zoning Board of Appeals
From: Andris Blumbergs, Director
Subject: **Zoning Board of Appeals Agenda – September 2, 2026**

Adjourned Hearing(s):

N/A

New Hearing(s):

26-026 1041 Watervliet Shaker Road – Wagoner Realty LLC
26-027 71 Sand Creek Road – 71 Sand Creek Rd LLC (Pete Rossi)



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Peter R. Crouse
Chairman

TAKE NOTICE that the Town of Colonie Zoning Board of Appeals will hold a public hearing at the Public Operations Center, 347 Old Niskayuna Road, Latham, in the Town of Colonie, on the **2nd day of September 2026, at 7:00 p.m.**, to hear the appeal of **Wagoner Realty LLC** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **1041 Watervliet Shaker Road**. The proposal of a health club at 1041 Watervliet Shaker Road within the Neighborhood Commercial Office Residential (NCOR) zoning district in the Town of Colonie requires Special Use Permit (SUP) approval by the Zoning Board of Appeals as stated in the Town of Colonie Land Use Law, Article V, Sections 190-20(A), 190-21, and 190 Attachment #1 – Table of Permitted Uses, as well as, Article XI, Section 190-57. 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@townofcolonie.gov. (Emailed comments must be received at least 24 hours in advance). Such comments will be addressed by the Chairman during the hearing. Landlords are strongly encouraged to notify tenants of the contents of this notice.

ZONING BOARD OF APPEALS
PETER R. CROUSE, CHAIRMAN

DATED: September 2, 2026



Peter G. Crummey
Town Supervisor

Commercial Zoning Verification

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

Phone (518) 783-2706
www.colonie.org/departments/building



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

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

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

I. GENERAL INFORMATION:

CASE # Z 202600774

Address of site of proposed action:

1037 Watervliet Shaker Road, Colonie, NY 12205

Number 1037 Street Wagoner Realty City Colonie State NY Zip 12205

Name of applicant M&M 1037 Property LLC (Madaline Wagoner)

Address 1037 Watervliet Shaker Road, Colonie, NY 12205
Number 1037 Street Wagoner Realty City Colonie State NY Zip 12205

Applicant's phone (W) _____ (Cell) _____

Email Address _____

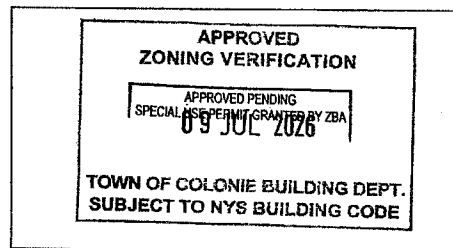
Contact person Vincenzo Sofia

Email Address _____

Phone number (W) _____ (Cell) _____

Property owner(s) M&M 1037 Property LLC (Madaline Wagoner)

Address 1037 Watervliet Shaker Road, Colonie, NY 12205
Number 1037 Street Wagoner Realty City Colonie State NY Zip 12205



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

Storage for NBS Electrical

III. APPLICANT'S PROPOSED ACTION:

A. Is the proposed action a:

- ☐ New building ☐ Addition ☐ Renovation ☐ Accessory Structure ☐ Other
☒ New tenant (business name) Queen Point LLC (Lift with Lozano) ☐ (Including Alterations)

☐ Change of use (new use) _____
☐ Temporary tent (Date tent will be erected) _____ (Date tent will be removed) _____

☐ Site change or other (describe below) No site plan change no work inside just flooring and exterior concrete pad and canopy @ exterior doors

B. Proposed use (check where applicable):

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

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

Proposed GYM (training, freeweights, cardio equipment, individual & group)

OVER

4. Parcel is located in a NCOR zoning district (refer to Town of Colonie Zoning Map)

5. SITE INFORMATION: IF THE APPLICANT PROPOSES ONLY A TENANT CHANGE, THIS SECTION MAY NOT BE REQUIRED TO BE COMPLETED. HOWEVER, THIS SECTION MUST BE COMPLETED AND TWO (2) COPIES OF THE PROPOSED SITE PLAN MUST BE SUBMITTED FOR ANY PROPOSAL WHICH INCLUDES A CHANGE OF USE, TEMPORARY TENT, ADDITION, ACCESSORY STRUCTURE OR NEW BUILDING.

A. TEMPORARY TENT: Plan may be hand drawn by the applicant and must depict the existing structure(s), if any, the proposed structure/tent, the lot layout, and all new and existing building setbacks.

B. MAJOR/MINOR OR NONCONFORMING COMMERCIAL SITE OR USE: Plan must be drawn by a licensed N.Y.S. engineer, architect, surveyor or landscape architect and have upon it; the address of the property, all easements, area of the parcel, abutting public highways, frontage of the lot on public highway, all building setback dimensions, the proposed structure, parking, building heights, and all zoning districts within 300 feet of the site. In OR, COR, HCOR and NCOR zoning districts, the site plan must show existing buildings and front yard setback dimensions for abutting properties on each side.

NOTE: MAJOR/MINOR/NONCONFORMING USE Site Development Proposals are defined in the Town of Colonie Land Use Law Section 190-11(A)(B).

C. Area of Property: acres and square feet Lot Size width depth
Length of property on a developed street feet

Is this a corner lot? Yes No Frontage on each street ft. ft.
Is this a through lot? Yes No Frontage on each street ft. ft.

Building setbacks: Existing Proposed Existing Proposed
Front yard ft. ft. Right side yard ft. ft.
Rear/Front yard ft. ft. Left side yard ft. ft.

Existing Building Height (at peak) ft. stories New Building Size: Length ft. Width ft.
Proposed Building Height (at peak) ft. stories Density Sq. Ft. per acre Units per acre

Gross floor area: existing sq. ft. proposed sq. ft. total sq. ft.

6. SIGNATURE OF APPLICANT

PRINTED OR TYPED APPLICANT NAME Madeline Wagener DATE 7-7-26

If DISAPPROVED "Such appeal shall be taken within sixty days after the filing in the town clerk's office of any order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of such ordinance or local law, from which the appeal is taken".

XXXXXXXXXXXXXXXXXXXXXXXXXXXX FOR OFFICIAL USE ONLY XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

I, Chris Mastromarino zoning officer of the Town of Colonie do hereby find that the proposed action as described above and any attachments hereto,

IS IN ACCORDANCE APPROVED DATE 7/9/26

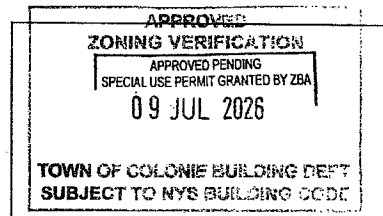
IS NOT IN ACCORDANCE DISAPPROVED DATE

with Chapter 190 of the Colonie Land Use Law that is effective as of this date.

The proposal of a health club at 1037 Watervliet Shaker Road within the Neighborhood Commercial Office Residential (NCOR) zoning district in the Town of Colonie requires Special Use Permit (SUP) approval by the Zoning Board of Appeals as stated in the Town of Colonie Land Use Law, Article V, Sections 190-20(A), 190-21, and 190 Attachment #1 - Table of Permitted Uses, as well as, Article XI, Section 190-57.

TO THE APPLICANT: THIS IS NOT A BUILDING AND ZONING PERMIT. IF YOU WISH TO PROCEED, PLEASE SUBMIT AN APPLICATION FOR THE FOLLOWING:

- ☐ BUILDING AND ZONING PERMIT APPLICATION (Building Department)
☐ APPLICATION FOR ZONING VARIANCE OR INTERPRETATION (Building Department)
☐ APPLICATION FOR PLANNING DEPT. APPROVAL (Planning and Economic Development)
☒ SPECIAL USE PERMIT USE



Variance/SUP granted on property Yes ☐ No ☒ Parcel in/near a wetland Yes ☐ No ☒
Variance # Parcel in/near a flood plain Yes ☐ No ☒
Is existing use nonconforming Yes ☐ No ☒ Watercourse on/near the property Yes ☐ No ☒

YES NO VIOLATION - CHAPTER 190-118 (BUILDING PERMITS REQUIRED)
CONSTRUCTION STARTED WITHOUT OBTAINING BUILDING AND ZONING PERMIT

Major Zoning Verification ☐ Fee Paid

Minor Zoning Verification ☒ Fee Paid

Other Zoning Verification ☐ Fee Paid

All fees are non-refundable

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

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

To the Zoning Board of Appeals
Town of Colonie

Date: July 17, 2026

1. The undersigned, **Vincenzo Sofia**, representing **Madaline Wagoner (Wagoner Realty)** of **1041 Watervliet Shaker Road (S.B.L. # 17.4-4- 16)**, hereby gives notice of appeal from the decision of the Building Department Director made on the **9th day of July, 2026**, in refusing to issue a Building and Zoning Permit on the grounds that the same would be in violation of the provisions of the Code of the Town of Colonie for the following reason(s):

The proposal of a health club at 1041 Watervliet Shaker Road within the Neighborhood Commercial Office Residential (NCOR) zoning district in the Town of Colonie requires Special Use Permit (SUP) approval by the Zoning Board of Appeals as stated in the Town of Colonie Land Use Law, Article V, Sections 190-20(A), 190-21, and 190 Attachment #1 – Table of Permitted Uses, as well as, Article XI, Section 190-57.

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 property is uniquely suited for a health club because of its location on a major roadway, existing commercial building, adequate parking, and convenient access. These features support the proposed use with minimal site modifications while remaining compatible with the surrounding commercial area.

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

The proposed health club is compatible with the NCOR zoning district and requires a Special Use Permit under the Town of Colonie Land Use Law. Granting the permit will allow the adaptive reuse of an existing commercial building that is well suited for a fitness facility, with minimal site modifications and adequate parking and access to serve the surrounding community.

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:

The Applicant respectfully requests that the Zoning Board of Appeals grant a Special Use Permit to allow a health club within the existing commercial building at 1037 Watervliet Shaker Road in the NCOR zoning district, pursuant to the Town of Colonie Land Use Law. The proposed use will occupy the existing building with only minor interior improvements and comply with all applicable conditions of approval.

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):

The proposed health club is consistent with the intent and purpose of the Neighborhood Commercial Office Residential (NCOR) zoning district by providing a neighborhood-serving recreational and wellness facility that complements surrounding commercial and office uses. The proposed use will operate within an existing commercial building, requiring only minor interior improvements and no significant changes to the site's overall character. Adequate on-site parking, safe vehicular access, and compliance with applicable building, fire, and accessibility codes will ensure that the facility operates safely and efficiently. The proposed use is not expected to create excessive traffic, noise, lighting, or other adverse impacts on adjacent properties. Granting the requested Special Use Permit will promote the health and well-being of the community while remaining compatible with the surrounding neighborhood and consistent with the Town of Colonie Land Use Law.

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 the facts set forth therein are true to the best of his knowledge, information and belief.

Signed _____

Print Name Vincenzo Sofia

Address _____

STATE OF
COUNTY OF

SS: _____

Owner or lessee if other than above

Subscribed and sworn to before me this _____ day of _____

Name _____

Mailing _____

Address _____

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



TOWN OF COLONIE ZONING BOARD OF APPEALS

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

CASE#

Peter G. Crumme
Town Supervisor

Phone (518) 783-2706 Fax (518) 783-2772
www.colonie.org/departments/building

Peter R. Crouse
Chairman

APPLICATION FOR SPECIAL USE PERMIT

An approved "Application for Zoning Verification" and all attachments thereto, including any approved plan, must be submitted with this form. Also attach all required materials and justification pursuant to the Colonie Town Code §189 and §190-57 and related provisions and a SEQR EAF form.

ADDRESS OF SITE: 1041 Watervliet Shaker Road, Colonie, NY 12205

Number Street Name Of Business/Tenant
Madaline Wagoner 7/21/12

APPLICANT'S NAME* Date
Madaline Wagoner

APPLICANT'S SIGNATURE* PRINT OR TYPE NAME SIGNED

* Applicant must be either the owner of the property to be developed or used, or be a party with a purchase agreement for the property. A copy of the purchase agreement must be attached.

Address 1041 Watervliet Shaker Road, Colonie, NY 12205
Number Street City State Zip

Phone No. Fax #: Email:

CONTACT PERSON: Vincenzo Sofia

Address Number Street City State Zip

Phone No. Fax #: Email:

NAME OF PRESENT PROPERTY OWNER: Wagoner Realty (Madaline Wagoner)

Address 1041 Watervliet Shaker Road, Colonie, NY 12205
Number Street City State Zip

DESIGN PROFESSIONAL (NYS Licensed) Vincenzo Sofia, PE F.ASCE

Check One Engineer ☒ Surveyor Architect Landscape Architect

Address Number Street City State Zip

Phone No. Fax #: Email:

DESCRIBE PRESENT USE OF THE BUILDING AND PROPERTY (IF VACANT, SO NOTE AND LIST LAST USE):
Vacant

If change of tenant: Name of previous tenant/business: NBS Electrical

DESCRIBE PROPOSED USE IN DETAIL IN A COMPLETE DESCRIPTIVE NARRATIVE:

GYM, Training, Free weight, Cardio equipments, Individual-Group

Parcel is located in a NCOR zoning district (refer to Town of Colonie zoning map).

Area of Property: 0.468 acres and 20,392 square feet Lot Size width 75' depth 279.87'

Length of property on a developed street 75 ft.

Is this a corner lot? Yes No ☒ Frontage on each street 75 ft.

Is this a Through lot? Yes No ☒ Frontage on each street ft.

Building setbacks:	Existing	Proposed	Existing	Proposed
Front yard	145.5 ft.	145.5 ft.	Right side yard	10.9 ft.
Rear/Front yard	65.58 ft.	65.58 ft.	Left side yard	16.6 ft.

Existing Building Height (at peak) 15'-4" ft. stories 1
Proposed Building Height (at peak) 15'-4" ft. stories 1
New Building Size: Length 70840 ft. Width 45820 ft.

Gross floor area: existing sq. ft. 2,211 proposed sq. ft. total 2,211 sq. ft.

Access to Town Highway? Yes ☒ No County Highway? Yes ☒ No State Highway? Yes No ☒

Fee Amount: Date Paid: Receipt #:

APPROVED CONDITIONALLY APPROVED DENIED

☐ Per Zoning Board of Appeals Decision on

Signature of Building Department Official: Date:

OFFICIAL USE ONLY Approval Shall be Valid Until

Short Environmental Assessment Form

Part 1 - Project Information

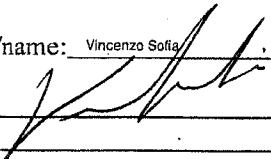
Instructions for Completing

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 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			
PROPOSED GYM			
Name of Action or Project: Queen Point LLC (Lift with Lozano)			
Project Location (describe, and attach a location map): 1041 Watervliet Shaker Road , Colonie,NY 12205			
Brief Description of Proposed Action: Change Tenant from storage to GYM			
Name of Applicant or Sponsor: Vincenzo Sofia		Telephone: E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If No, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO ☒	YES ☐
3. a. Total acreage of the site of the proposed action?		0.458 acres	
b. Total acreage to be physically disturbed?		NONE acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.458 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ 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 or 500-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? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	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:	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
	☒	☐
21. Is the project located within, or within ½ mile of, a disadvantaged community? If No, could impacts from the project affect a disadvantaged community? If Yes to either question in 21, answer the following question. a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management):	NO	YES
	☒	☐
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Vincenzo Sofia</u> Date: <u>7/20/26</u>		
Signature: <u></u> Title: <u>owner / representative</u>		



TOWN OF COLONIE
PLANNING AND ECONOMIC DEVELOPMENT
DEPARTMENT

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



Peter G. Crummey
Town Supervisor

Phone (518)783-2741 Fax (518)783-2888
www.colonie.org/pedd

Andris Blumbergs
Director of Planning

Applicant Name: Wagoner Realty LLC

Address of Property: 1041 Watervliet Shaker Road

SEQR RECOMMENDATION

It is recommended that the **Zoning Board of Appeals** make the following determination regarding the above referenced application:

- ☐ The requested approval is a **Type I SEQR Action**. We recommend, based on the attached EAF, that the Board determine that the action will not have a significant effect on the environment, and that the attached Negative Declaration be filed.
- ☐ The requested approval is a **Type II SEQR Action**, pursuant to 6NYCRR Part 617.5 (c), therefore no further environmental review is necessary.
- ☒ The requested approval is an **Unlisted SEQR Action**. We recommend, based on the attached SEAF, that the Board determine that the action will not have a significant effect on the environment.
- ☐ The requested approval is an **exempt or excluded SEQR Action**, therefore no further environmental review is necessary.

The proposal is an **Unlisted SEQR Action**.

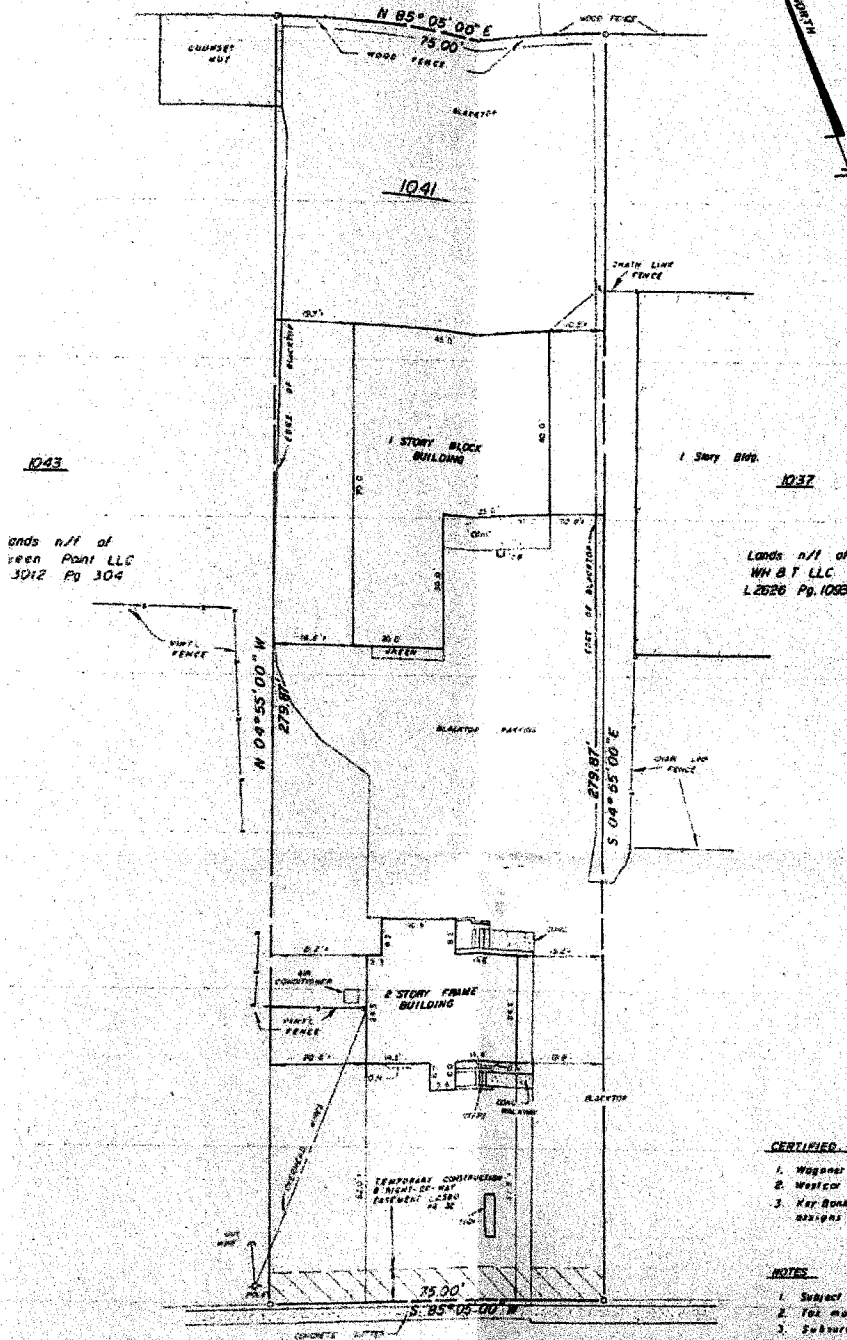
The applicant provided an EAF Short Form dated 7/20/26. The applicant indicated Part 1.12(b) as no, this should be corrected to yes.

By: Andris Blumbergs
Andris Blumbergs, Director of Planning

Date: August 19, 2026

Lands n/f of
Hagen
L2179 Pg 803

Lands n/f of
Siet
L 2985 Pg. 107



1043

Lands n/f of
Hagen Point LLC
L2172 Pg 304

1037

Lands n/f of
Hagen B T LLC
L2626 Pg. 106B

WATERVLIET SHAKER ROAD

CERTIFIED TO

1. Wagoner Realty, LLC
2. Western Land Title Insurance Company
3. New York National Association, their successors and/or assigns as their interest may appear

NOTES

1. Subject parcel as described in L2723 Pg. 829
2. For map parcel L.O. No. 12.4-4.16
3. Subsurface and environmental conditions were not surveyed or examined or considered as part of this survey
4. The offsets or dimensions shown herein from the property lines to the structures are for a specific purpose & are therefore they are not intended to monument the property lines or to guide the location of fences, additional or any other improvements
5. This survey was made from an aerial site inspection made on the ground on April 22, 2015
6. This survey was prepared in accordance with the code of practice for land surveys as adopted by the New York State Association of Professional Land Surveyors

RECORD OF WORK DATE: 4/22/15 BY: JCM				LOCATION SURVEY OF LANDS for 1041 WATERVLIET SHAKER ROAD	
SURVEY: Wagoner Realty, LLC		ADDRESS: 1041 Watervliet Shaker Road		TOWN: Chateaufort	
SCALE: 1" = 30'		DATE: October 15, 2015		COUNTY: Albany	
O. J. MEYER B. SON 4 VLY ROAD ALBANY, NEW YORK P.L.S. LIC. NO. 04951 (518) 869-0671					
DRAWN BY: JCM		CHECKED BY: JCM		PLOT NO: 1	



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.townofcolonie.gov/boards/zba/>

Peter R. Crouse
Chairman

TAKE NOTICE that the Town of Colonie Zoning Board of Appeals will hold a public hearing at the Public Operations Center, 347 Old Niskayuna Road, Latham, in the Town of Colonie, on the **2nd day of September 2026, at 7:00 p.m.**, to hear the appeal of **71 Sand Creek Rd LLC (Pete Rossi)** from the decision of the Building Department Director for the Town of Colonie denying the applicant a Building Permit for the premises located at **71 Sand Creek Road**. The proposed construction of a 28-foot-tall, one-story accessory structure totaling 6,624 square feet is not compliant with the Town of Colonie Land Use Law, Article VI, Section 190-26(D)(1). The proposed structure is located 25 feet from the boundary of a Single-Family Residential (SFR) Zoning District and does not meet the minimum required 100-foot setback from the SFR district boundary. 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.igm2.com/Citizens/Default.aspx> in your web browser. The public may present comments to the Board in person or by emailing infozba@townofcolonie.gov. (Emailed comments must be received at least 24 hours in advance). Such comments will be addressed by the Chairman during the hearing. Landlords are strongly encouraged to notify tenants of the contents of this notice.

ZONING BOARD OF APPEALS
PETER R. CROUSE, CHAIRMAN

DATED: September 2, 2026



Peter G. Crumme
Town Supervisor

Commercial Zoning Verification

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

Phone (518) 783-2706
www.colonie.org/departments/building

RECEIVED

JUL 10 2026

TOWN OF COLONIE
Building & Fire Services Department
Initials

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

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

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

1. GENERAL INFORMATION:

CASE #Z 202600561

Address of site of proposed action:

71 Sand Creek Rd Albany NY 12205
Number Street City State Zip

Name of applicant 71 Sand Creek Rd LLC (Pete Rossi)
Address Number Street City State Zip

Applicant's phone (W) 71 Sand Creek Rd LLC
Email Address

Contact person Pete Rossi
Email Address

Phone number (W) (Cell)

Property owner(s) 71 Sand Creek Rd LLC
Address Number Street City State Zip

DISAPPROVED

BY TOWN OF COLONIE BUILDING DEPT

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

Lot contains 8.545 +/- acres, existing concrete building w/multiple commercial tenants and a garage

3. APPLICANT'S PROPOSED ACTION:

A. Is the proposed action a:

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

B. Proposed use (check where applicable):

- ☐ Office ☐ Warehouse / Storage ☐ Motor Vehicle Repair Shop ☐ Supermarket ☐ Massage
☐ Bank ☐ Fast Food Establishment ☐ Motor Vehicle Service Station ☐ Wholesale ☐ Messieur
☐ Retail ☐ Restaurant / Bar ☐ Motor Vehicle Sales ☐ Industrial ☐ Police Handout
☐ Bakery ☐ Convenience Food Store ☐ Mini Mart ☐ Day Care Child/Adult
☐ Hotel ☐ Personal Service Business ☐ Multifamily Dwelling ☐ Nightclub
☐ School ☐ Wireless Telecom Facility ☐ Place of Worship ☒ Other cold storage

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

Owner seeks to operate as a lawn care svc + landscaping company on the property as shown which would include construction of a 72' x 92' single story cold storage accessory building to be used in connection with said landscaping company and lawn care service company and will involve indoor storage of materials used in the trade, machinery and/or equipment and may involve very little outdoor activity on a daily basis.

OVER

4. Parcel is located in a NCOR zoning district (refer to Town of Colonie Zoning Map)

5. **SITE INFORMATION:** IF THE APPLICANT PROPOSES ONLY A TENANT CHANGE, THIS SECTION MAY NOT BE REQUIRED TO BE COMPLETED. HOWEVER, THIS SECTION MUST BE COMPLETED AND TWO (2) COPIES OF THE PROPOSED SITE PLAN MUST BE SUBMITTED FOR ANY PROPOSAL WHICH INCLUDES A CHANGE OF USE, TEMPORARY TENT, ADDITION, ACCESSORY STRUCTURE OR NEW BUILDING.

A. **TEMPORARY TENT:** Plan may be hand drawn by the applicant and must depict the existing structure(s), if any, the proposed structure/tent, the lot layout, and all new and existing building setbacks.

B. **MAJOR/MINOR OR NONCONFORMING COMMERCIAL SITE OR USE:** Plan must be drawn by a licensed N.Y.S. engineer, architect, surveyor or landscape architect and have upon it; the address of the property, all easements, area of the parcel, abutting public highways, frontage of the lot on public highway, all building setback dimensions, the proposed structure, parking, building heights, and all zoning districts within 300 feet of the site. In OR, COR, HCOR and NCOR zoning districts, the site plan must show existing buildings and front yard setback dimensions for abutting properties on each side.

NOTE: MAJOR/MINOR/NONCONFORMING USE Site Development Proposals are defined in the Town of Colonie Land Use Law Section 190-11(A)(B).

C. Area of Property: 8.545 acres and 372,270 square feet Lot Size width 75.37 depth 604 ft. Russell Rd
Length of property on a developed street _____ feet
Is this a corner lot? Yes X No _____ Frontage on each street 75.37 ft. sand creek rd
Is this a through lot? Yes _____ No _____ Frontage on each street 60 ft. Russell ft.

Building setbacks:	Existing	Proposed	Existing	Proposed
Front yard	<u>275</u> ft.	<u>190</u> ft.	Right side yard	<u>260</u> ft.
Rear/Front yard	<u>360</u> ft.	<u>360</u> ft.	Left side yard	<u>28+</u> ft.

Existing Building Height (at peak) 20 ft. _____ stories New Building Size: Length 92 ft. Width 72 ft.
Proposed Building Height (at peak) 28 ft. _____ stories Density Sq. Ft. per acre _____ Units per acre _____

Gross floor area: existing 11,950 sq. ft. proposed 6,624 sq. ft. total 18,574 sq. ft.

6. SIGNATURE OF APPLICANT [Signature]
PRINTED OR TYPED APPLICANT NAME REL Rossi DATE 07/10/26

If DISAPPROVED "Such appeal shall be taken within sixty days after the filing in the town clerk's office of any order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of such ordinance or local law, from which the appeal is taken".

XXXXXXXXXXXXXXXXXXXXXXXXXXXX FOR OFFICIAL USE ONLY XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

I, Christopher Mastromanni zoning officer of the Town of Colonie do hereby find that the proposed action as described above and any attachments hereto,

IS IN ACCORDANCE _____ APPROVED DATE _____

IS NOT IN ACCORDANCE _____ DISAPPROVED DATE 7/10/26

with Chapter 190 of the Colonie Land Use Law that is effective as of this date.

The proposed construction of a 28-foot-tall, one-story accessory structure totaling 6,624 square feet is not compliant with the Town of Colonie Land Use Law, Article VI, Section 190-26(D)(1). The proposed structure is located 25 feet from the boundary of a Single-Family Residential (SFR) Zoning District and does not meet the minimum required 100-foot setback from the SFR district boundary.

DISAPPROVED
BY TOWN OF COLONIE BUILDING DEPT

TO THE APPLICANT: THIS IS NOT A BUILDING AND ZONING PERMIT. IF YOU WISH TO PROCEED, PLEASE SUBMIT AN APPLICATION FOR THE FOLLOWING:

- ☐ BUILDING AND ZONING PERMIT APPLICATION (Building Department)
☒ APPLICATION FOR ZONING VARIANCE OR INTERPRETATION (Building Department)
☐ APPLICATION FOR PLANNING DEPT. APPROVAL (Planning and Economic Development)
☐ SPECIAL USE PERMIT _____ USE _____

Variance/SUP granted on property _____ Yes ☒ No ☐

Variance # _____

Is existing use nonconforming _____ Yes ☒ No ☐

Parcel in/near a wetland _____

Parcel in/near a flood plain _____

Watercourse on/near the property _____

Yes ☒ No ☐

Yes ☐ No ☒

Yes ☒ No ☐

YES ☒ NO ☐ VIOLATION - CHAPTER 190-118 (BUILDING PERMITS REQUIRED)

CONSTRUCTION STARTED WITHOUT OBTAINING BUILDING AND ZONING PERMIT

☐ ☐

Major Zoning Verification ☐ Fee Paid _____

Minor Zoning Verification ☐ Fee Paid _____

Other Zoning Verification ☒ Fee Paid _____

All fees are non-refundable

APPEAL FROM DECISION OF ADMINISTRATIVE OFFICIAL
APPLICATION FOR INTERPRETATION/VARIANCE



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

To the Zoning Board of Appeals
Town of Colonie

Date: July 17, 2026

1. The undersigned, Pete Rossi, representing 71 Sand Creek Rd LLC of 71 Sand Creek Road (S.B.L. # 54.9-1-29.1), hereby gives notice of appeal from the decision of the Building Department Director made on the 10th day of July, 2026, in refusing to issue a Building and Zoning Permit on the grounds that the same would be in violation of the provisions of the Code of the Town of Colonie for the following reason(s):

The proposed construction of a 28-foot-tall, one-story accessory structure totaling 6,624 square feet is not compliant with the Town of Colonie Land Use Law, Article VI, Section 190-26(D)(1). The proposed structure is located 25 feet from the boundary of a Single-Family Residential (SFR) Zoning District and does not meet the minimum required 100-foot setback from the SFR district boundary.

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 Petition

- 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 Petition

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 Petition

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 Petition

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) NA

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

Print Name

Address

Victor A. CACCIAPPA Jr. ESQ.

STATE OF New York
COUNTY OF Albany SS:

Owner or lessee if other than above

Subscribed and sworn to before me this 20th day of July, 2026

Name

Mailing

Address

PENNY D. GAGLIARDI
Notary Public, State of New York
No. 01GA4994237
Qualified in Saratoga County
Commission Expires 3/30/2030

RIDER SHEET FOR PROPERTY AT 71 SAND CREEK ROAD
COLONIE, NEW YORK TO APPEAL FROM DECISION OF
ADMINISTRATIVE OFFICIAL ASKING FOR AN INTERPRETATION

71 Sand Creek Road was purchased by 71 Sand Creek Road LLC on or about December 27, 2023.

71 Sand Creek Road Colonie was formerly owned by Tom V. Siciliano. The property was recently subdivided into four (4) parcels, and said subdivision map was approved by the Town of Colonie Planning Department on May 3, 2022 and said map was filed in the Albany County Clerk's Office on May 19, 2022 in Map No. 14208.

Lot No. 1 of the four-lot subdivision is the current Buff's Garage. Lot No. 2 is a vacant lot along Old Myer's Drive; Lot No. 3 is an apartment building at the corner of Russell Road and Sand Creek Road, and Lot No. 4 is a 8.545 acre parcel which has an 11,916 +/- square foot building which currently houses garages and a concrete block building which has been used over the last 60-100 years for multiple intense commercial uses including : a scrap metal business; a roofing business; beer bottle distributing company; a tree service; autobody shop, a detailing shop, fence company, a pool company, a limousine service company and a milk company. The current six car garage was built on the property in 1920 according to the Town Assessors records, followed by the balance of the building built in or around 1964.

The proposal before the Board previously received and approved Zoning Verification to construct and operate an additional Lawncare service and landscaping company on the property to include construction of a 60 x 92' single story cold storage building to be used in concert with said landscaping company and lawncare service company and would involve indoor storage of materials used in the trade, machinery and/or equipment and may involve outdoor storage of materials used in the trade, machinery and equipment. Attached hereto and made a part hereof is a copy of Chris Mastraionni's September 19, 2024 approved Zoning Verification. The difference is the 2025 approved zoning verification was a proposal to construct a 60' x 92' single story cold storage building and the current proposal is to construct a slightly larger 72' x 92' single story cold storage building.

Thereafter, our client made application to the Planning Department to receive approval for the construction of said building and operation of said lawncare service and landscaping company. When it was realized that the Town amended and rezoned the subject property in 2007, the entire parcel was rezoned to neighborhood commercial office residential (NCOR). Due to this rezoning, and given the fact that the property was previously in a split zone, there was at that time no requirement that any proposed accessory building be set back 50' from the side property line of a residential zoning district.

In the case before us, there is an existing gasoline station (Buff's Auto) that was part of the original parcel that measures approximately 10' +/- feet from the residential zoning district line along Old Myers Drive and there is also an existing garage formerly used for automotive

repairs currently used and approved for a Pilates studio which measures approximately 26 feet setback from the side residential zone of Old Myers Drive.

The proposed 72 x 92' single story cold storage building is proposed to be setback 25 feet from the side property line. As stated above, the 8.545 acre parcel currently houses the 11,916 +/- square foot building which currently houses garages and concrete block building which has been used for over the last 60-100 years for multiple commercial uses including scrap metal business, roofing business, beer bottle distributing company, tree service, auto body shop, detailing shop, fence company, pool company, limousine service company and milk company has continued and will continue and the existing owner seeks to construct a proposed cold storage building with no water or electric.

Pursuant to Section 190-26D(1) of the recently amended Colonie Zoning Code, added 11-19-2015, in areas where OR, CO, NCOR, COR, HCOR, Airport business area, and industrial districts are more than 300 feet in depth from the front lot line, no portion of any commercial use or mixed use building shall be built within 100 feet, and no parking, loading, or storage shall be located within 50 feet of the zoning boundary line of any single family residential district, however, pursuant to 190-26D(1)(b), an accessory storage building no greater than 10,000 sq ft. in gross floor area with a maximum building height of 25 feet may be located closer than 50 feet from the zoning boundary line of any single family residential district or multi-family district. Prior to the 2007 rezoning of the entire Town of Colonie, this parcel was in a split zone and the set back requirements were not in place.

Accordingly, applicant seeks to construct the building as it is proposed to be located at 25 feet setback from the side yard line of the subject property which exceeds the existing Buff's Auto station side yard setback which is located within 10 feet of the side property line of Myers Drive and nearly matches the setback of the existing 576 sq ft garage as shown on the site plan. Due to the configuration of the lot as shown on the site plan, it would not be possible to move the building 50 feet back from the side property line and still have any meaningful accessibility, or turning movements for construction vehicles and equipment in the new cold storage building. In addition, section 190-26 D (1) (b) limits the height of said cold storage building to 25'. Because the proposed cold storage building is factory built and prefabricated and pre-engineered, this is not a stick-built structure but one that is engineered and made at the factory and shipped to the site. To achieve a pre-engineered factory-built building of this size at a height of 25' would, in all likelihood not be possible.

As stated in the State of New York Town Law Section 267, an area variance involves a balancing test between the benefit to the applicant with a detriment to the health, safety and welfare of the community. The Board must consider whether the benefit can be achieved by other means feasible to the applicant. When examining the existing layout of the property, and the very unique lot lines, especially in the area where the proposed cold storage building would be constructed, one can see that the benefit cannot be achieved by other means feasible by the owner of the property.

The next question the Board must consider is whether or not an undesirable change in the neighborhood character or nearby properties would be created by the construction of said

accessory storage building. Clearly and given the history of the property, the existing uses of the property there will be no undesirable change in the neighborhood or character. In addition, it is applicant's position that the location of the building 25 feet setback from the side yard line, is not substantial when viewing the totality of the circumstances which includes the configuration of the existing lot; the fact that there are currently two existing buildings in the location of the proposed building that are well within the 50' setback requirement for accessory buildings. It is also to be noted that the owner of the property since he purchased the parcel in December of 2023 has substantially cleaned up the parcel, removing a substantial amount of debris and garbage that was left on the property at its time of purchase. Additionally, and given the fact that the proposed accessory storage building will be used as cold storage will not have any adverse effect on the physical or environmental condition of the property.

While the proposal is a self-created hardship, in an area variance a self-created hardship is a matter to be considered by the Board but does not preclude the granting of the area variance.

Given the totality of the circumstances; the uniqueness of the configuration of the subject parcel, the fact that it was previously subdivided before our client's purchase of the property breaking the property into four lots with the remaining lot #4 being 8.545 acres currently owned by the applicant, and considering the existing tenants, leases and uses of the existing concrete block building as a landscaping business, auto repair business, and storage, with outside storage shown on the site plan, there is no other logical place to place the building when considering the 100 foot wetland buffer zone and pond that is also located on the property.

Short Environmental Assessment Form

Part 1 - Project Information

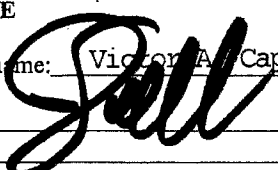
Instructions for Completing

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 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			
71 Sand Creek Road, LLC			
Name of Action or Project: 71 Sand Creek Road, LLC			
Project Location (describe, and attach a location map): 71 Sand Creek Road, Colonie, New York			
Brief Description of Proposed Action: to construct a cold storage building for the owner of the property which is a lawncare service and landscaping company			
Name of Applicant or Sponsor: 71 Sand Creek Road LLC		Telephone: _____	
		E-Mail: _____	
Address: _____			
City/PO: _____		State: _____	Zip Code: _____
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: area variance for side yard setback & Planning Dept. approval		☐	☒
3. a. Total acreage of the site of the proposed action?		8.5 +/- acres	
b. Total acreage to be physically disturbed?		.5 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		8.5 +/- acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ 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:	☒	☐	
cold storage building with no running water			
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:	☒	☐	
cold storage building with no running water or bathroom			
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 or 500-year flood plain?	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: Town of Colonie stormwater		
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)?	NO ☒	YES ☐
If Yes, explain the purpose and size of the impoundment:		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO ☒	YES ☐
If Yes, describe:		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO ☐	YES ☒
If Yes, describe:		
21. Is the project located within, or within 1/2 mile of, a disadvantaged community?	NO ☐	YES ☒
If No, could impacts from the project affect a disadvantaged community?	☐	☐
If Yes to either question in 21, answer the following question.		
a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management):		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Victor A. Caponera, Esq.</u> Date: <u>6-30-26</u> Signature: <u></u> Title: <u>Attorney</u>		



TOWN OF COLONIE
PLANNING AND ECONOMIC DEVELOPMENT
DEPARTMENT

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



Peter G. Crummey
Town Supervisor

Phone (518)783-2741 Fax (518)783-2888
www.colonie.org/pedd

Andris Blumbergs
Director of Planning

Applicant Name: 71 Sand Creek Rd., LLC (Pete Rossi)

Address of Property: 71 Sand Creek Rd.

SEQR RECOMMENDATION

It is recommended that the **Zoning Board of Appeals** make the following determination regarding the above referenced application:

- ☐ The requested approval is a **Type I SEQR Action**. We recommend, based on the attached EAF, that the Board determine that the action will not have a significant effect on the environment, and that the attached Negative Declaration be filed.
- ☐ The requested approval is a **Type II SEQR Action**, pursuant to 6NYCRR Part 617.5 (c), therefore no further environmental review is necessary.
- ☒ The requested approval is an **Unlisted SEQR Action**. We recommend, based on the attached SEAF, that the Board determine that the action will not have a significant effect on the environment.
- ☐ The requested approval is an **exempt or excluded SEQR Action**, therefore no further environmental review is necessary.

The proposal is an **Unlisted SEQR Action**.

The PEDD raises the question of whether the proposal is consistent with the development trends of the surrounding neighborhood, and the PEDD has concerns about the encroachment of a commercial use on an SFR zoning district.

This project would require site plan approval and the approval of a Change in Tenant application.

The applicant provided an EAF Short Form dated 6/30/26. The SEAF appears accurate based on a review of the parcel on the EAF Online Mapper tool.

By: Andris Blumbergs
Andris Blumbergs, Director of Planning

Date: August 19, 2026

DISCUSSION NOTES:
 Subdivision consists of 9.804 Acres of Land divided into 4 lots.
 The subdivision is located in Neighborhood Commercial Office
 Zoning District.
 Applicant's Name: South Cabotie Central School District
 The subdivision lies within the South Cabotie Central School District
 and the West Albany Fire District.
 Building setback lines shown on this plan for illustration purposes.
 Based on current Land Use Requirement Laws, and are not intended to
 be representative conditions of approval of the subdivision.
 No Site Work is proposed for this project.

The subdivision lies inside the Latham Water District. Water Services will be installed by the Latham Water District at the Owner's Expense. Hydrants and Services MUST be installed in accordance with Latham Water District's Standards for Water Distribution Systems.

DISAPPROVED
BY TOWN OF COLONIE BUILDING DEPT.

SITE STATISTICS	
PLANT	EXISTING
WATERWAYS	12,498 Sq Ft. (3.385)
LAND	63,403 Sq Ft. (1.46)
ADJACENT SPACE	287,944 Sq Ft. (77.00)
ADJACENT SPACES	287,944 Sq Ft. (77.00)
	S. 1/4 1/4 MANAGED ADDRESS
	PROPOSED
	19,120 Sq Ft. (5.145)
	68,880 Sq Ft. (17.09)

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TOC BUILDING DEPT.

TOWN OF COLONIE PETIO APPROVAL

OWNER: 11 SAND CREEK ROAD, LLC
PO BOX 11250
CLAUDONVILLE, NEW YORK 12211

[illegible]

JOHN C. DeMIS, P.E. & P.L.S.

20-20010

[illegible]

NOTES.

1. SERVED AS COORDINATOR IN DEPT MOCS-4897.
2. ASSISTED IN ANY MANNER ON NIGHTS OF WAY OF ACCORD.
3. ASSISTED IN ANY MANNER ON NIGHTS OF WAY OF ACCORD.
4. ASSISTED IN ANY MANNER ON NIGHTS OF WAY OF ACCORD.
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9. ASSISTED IN ANY MANNER ON NIGHTS OF WAY OF ACCORD.
10. ASSISTED IN ANY MANNER ON NIGHTS OF WAY OF ACCORD.

MAP REFERENCES:
 PARCEL TAX ID. NUMBER 54-9-01-25.
 MAP ENTITLED "SURVEY MAP OF PROPERTY KNOWN AS 54, 58
 & 59, BIRCHILL ROAD, TOWN OF COLOMBE, ALBANY COUNTY, N.Y.,
 AS PREPARED BY JOHN J. COUGHLIN, SURVEYOR, P.C.,
 MAP ENTITLED "PROPOSED RESERVATION OF PUBLIC 'GREEN' ALBANY"
 SPECIAL WATER COMMISSION, DATED JANUARY 1988 AND FILED IN THE
 ALBANY COUNTY CLERK'S OFFICE IN PARCELS 54, 58 AND 59.

DISAPPROV
BY TOWN OF COLONIE BUILDING

WATER/SANITARY SEWER SERVICE EASEMENT
ACROSS LOT 1 FOR LOT 4

RECEIVED
MAY 26 2026
TOWN OF COLONIE
Building & Fire Services Department
Office

