

RESIDENTIAL NON-REFUNDABLE
ZONING VARIANCE

VILLAGE OF COLONIE
ZONING BOARD OF APPEALS
APPLICATION FOR ZONING VARIANCE

COMMERCIAL NON-REFUNDABLE
ZONING VARIANCE

ZONING VARIANCE FEES: APPLICATION FOR AN APPEALS TO THE ZONING BOARD OF APPEALS:

- | | |
|---|----------|
| 1. RESIDENTIAL 1 FAMILY, INCLUDING ACCESSORY STRUCTURES | \$50.00 |
| 2. RESIDENTIAL 2 FAMILY INCLUDING ACCESSORY STRUCTURES | \$100.00 |
| 3. FOR A BUSINESS | \$150.00 |
| 4. APPLICATION FOR SPECIAL EXCEPTIONS SIGN PERMITS AND/OR APPEALS | \$150.00 |

OWNER'S NAME Anthony & Linda Nash TEL NO. 518-452-8425
PLEASE PRINT

ADDRESS: 3 Nash Pl E-MAIL _____
RESIDENTIAL: GARAGE

ATTACHED: N/A UNATTACHED: N/A DIMENSIONS: N/A LOT SIZE: N/A

INDICATE DISTANCE FROM: N/A SIDE LINE N/A REAR LINE N/A STREET LINE

ADDITIONS:

TO SIDE OF HOUSE N/A FT. REAR OF HOUSE N/A FT. TO FRONT N/A FT.

DIMENSIONS: ENTIRE HOUSE N/A SQ. FT. PROPOSED ADDTN N/A SQ. FT. LOT: N/A

INDICATE DISTANCE FROM: N/A SIDE LINE N/A REAR LINE N/A STREET LINE

NEW DWELLING:

ONE FAMILY X TWO FAMILY N/A APARTMENT N/A OTHER: N/A

DIMENSIONS: BUILDING: N/A LOT SIZE: 1.24 acres

COMMERCIAL AND INDUSTRIAL:

BUILDING: N/A GAS STATION: N/A OTHER: N/A

DIMENSIONS: BUILDING N/A LOT SIZE N/A

DISTANCE FROM: N/A SIDE LINE N/A REAR LINE N/A STREET LINE

REASON FOR VARIANCE:

20' Street frontage. See attached

INDICATE HARDSHIP: (ATTACH LETTER IF NECESSARY)

See attached

PLEASE MAIL IN OR DELIVER TO VILLAGE HALL TO THE ZBA COORDINATOR'S ATTENTION WITH FILING FEE TO VILLAGE OF COLONIE,
VILLAGE HALL 2 THUNDER ROAD, ALBANY, NY 12205. MAKE ALL CHECKS OR MONEY ORDERS PAYABLE TO VILLAGE OF COLONIE

DATE: December 2, 2020

OWNER'S SIGNATURE: Linda C Nash
Anthony B Nash

Area Variance Narrative

Project Description:

The applicant proposes to adjust a boundary line along Lands N/F Linda C. Nash (TM#: 42.09-1-51.2) and Lands N/F of Anthony Nash (TM#: 42.9-1-51.1). Also, to create a lot line between the above-mentioned parcels. Therefore, creating lots 3A and 3B, as shown on the enclosed map.

Indicate Hardship - Town Zoning Chapter Section from which this area variance is being requested:

- Article 242 Section 5 Subsection I(1)(a)
 - (1) Lot size.
 - (a) No single-family building, structure or addition thereto shall be erected, constructed or placed upon any lot in the Residential A District unless such lot shall have a frontage of at least 75 feet and a depth of no less than 125 feet and shall contain no less than 9,375 square feet. In the event that it is impracticable to have a depth of 125 feet, the lot must, however, contain at least the minimum area above stated. This subsection shall not apply to any existing single lot located on a previously accepted Village street held as of June 11, 1957.

Reason for Variance:

Lot 3A will be created for the Nash's son. It is proposed as a flag lot with a 20-foot wide by 278± foot long driveway/utility strip to Nash Place. It is created mainly out of TM 42.9-1-51.1 and also adjusting from 3 Nash Place. It will have an area of 1.24± acres. Lot 3A requires an area variance per Article 242 Section 5 Subsection I(1)(a) of the Town Zoning code which requires lots in the Residential A zoning district to have at least 75-feet of frontage.

The applicant and applicant's family members own approximately 11.1 acres on Nash Place. All of which are adjacent lands to the proposed lot 3A.

Area Variance Considerations:

(a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting of the area variance:

As mentioned above the applicant and applicant's family members own the surrounding adjacent properties. Therefore, by granting this variance there would be no undesirable change to the character of the neighborhood or detriment to nearby properties.

(b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance:

There is not another way to meet the above-mentioned required frontage without seeking a variance. If the applicant was to increase the frontage for lot 3A to meet 75' along Nash Place, then lot 3B would require the same area variance.

(c) *Whether the requested area variance is substantial:*

It is substantial that this area variance is granted so that the applicant's son can acquire the proposed lot 3A from the applicant and move forward with building his future home. The 20-foot strip will contain a driveway and utilities and will blend in with the street scape.

(d) *Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:*

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. As stated above the applicant and applicant's family own the surrounding properties and the applicant's son in acquiring the new lot 3A to construct his future home.

(e) *Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance:*

The hardship was self-created by the applicant's desire to create a building lot for their son.

Short Environmental Assessment Form

Part 1 - Project Information

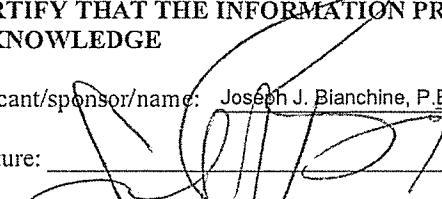
Instructions for Completing

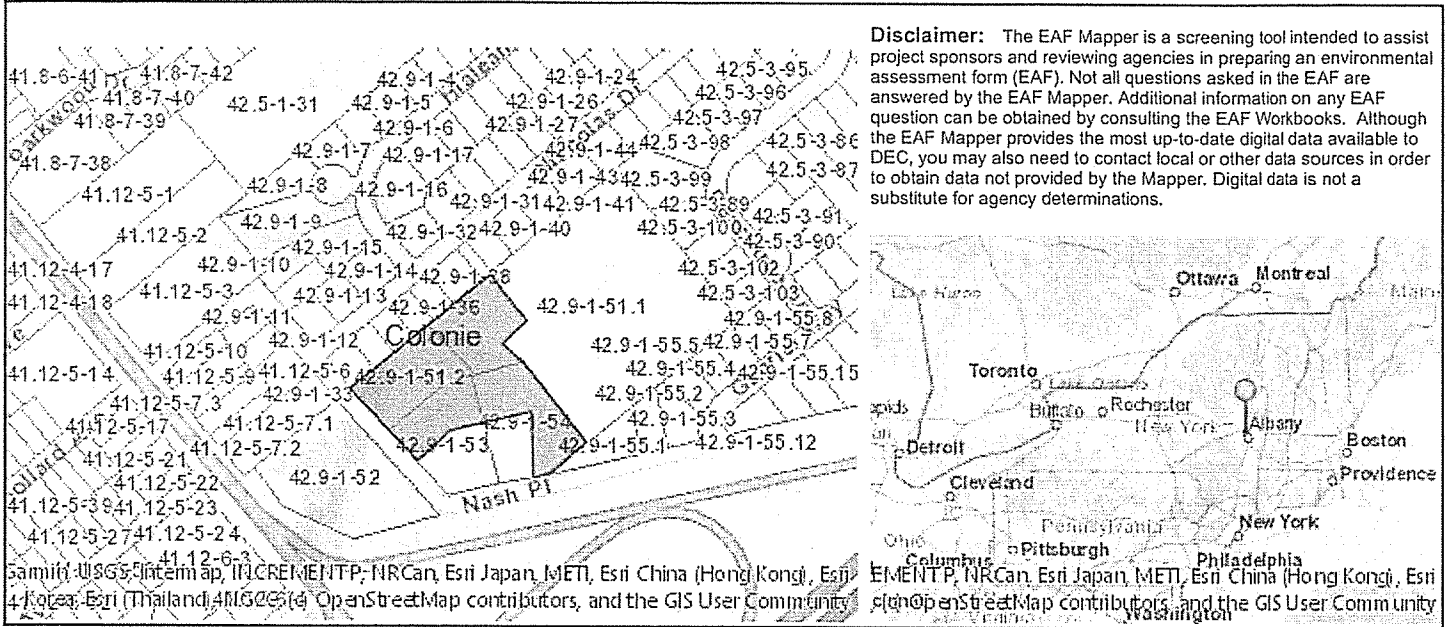
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Nash Boundary Line Adjustment and Lot 3 Nash Place			
Project Location (describe, and attach a location map): Nash Place TM #42.09-1-51.2 and 42.9-1-51.1			
Brief Description of Proposed Action: 3 Nash Place (TM 42.09-1-51.2) will decrease in area from 2.79± acres to 1.13± acres and will have 159.12 feet of frontage on Nash Place, meeting Village of Colonie zoning requirements. Lot 3A will be created for the Nash's son. It is proposed as a flag lot with a 20-foot wide by 278± foot long strip to Nash Place. It is created mainly out of TM 42.9-1-51.1 and also adjusting 3 Nash Place. This new lot will contain 1.24± acres. Lot 3B will have 109± feet of frontage on Nash Place, between 3 and 5 Nash Place, and also 25± feet of frontage on Nash Place just east of 7 Nash Place. This new Lot will contain 1.56± acres. The remaining existing landlocked parcel will remain landlocked.			
Name of Applicant or Sponsor: Anthony and Linda Nash		Telephone: 518-452-8425	
Address: 3 Nash Pl		E-Mail:	
City/PO: Albany		State: NY	Zip Code: 12205
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: Village of Colonie lot line adjustment approval		NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 3.93 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? _____ 3.93 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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? 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> 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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: Joseph J. Bianchine, P.E. (ABD Engineers, LLP) Date: 10/19/2020</p> <p>Signature:  Title: Engineer</p>		



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]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No