

**TOWN OF COLONIE
PUBLIC OPERATIONS CENTER
347 OLD NISKAYUNA ROAD
LATHAM, NEW YORK 12110-2289**

**PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
TELEPHONE (518) 783-2741
FAX (518) 783-2888
AGENDA INFORMATION (518) 783-1511
www.colonie.org/pedd**

SITE DEVELOPMENT REVIEW PROCESS

Introduction:

This brochure has been prepared to help guide persons through the site development review process in the Town of Colonie. It provides a concise and complete overview of the process, including application requirements, the submittal procedure and other aspects of the project review process.

This document is intended to be used as a guide. The Zoning Code, Chapter 190, the Site Plan Review Requirements, Chapter 192 and the Significant Environmental Areas, Chapter 195 from the Code of the Town of Colonie may be referred to for specific requirements.

FACILITIES REQUIRING REVIEW & APPROVAL:

The following types of uses require submittal to the Planning Board for site plan review and approval or an exemption certification prior to issuance of a building permit or before the proposed use can be established.

- New construction of all non-residential facilities and multi-family residences (i.e. Commercial; Industrial; Condominiums [commercial or residential]; Mobile Home Parks; Senior Citizen Housing; Farm or Nursery; Planned Unit Development).
- All public facilities, such as schools, churches, government buildings, philanthropic institutions, etc.
- Additions, deletions and structural or site changes to existing facilities.
- Changes in use or tenant of existing facilities.
- All interior renovations to existing barrooms, fast food establishments or restaurants.

TYPES OF SUBMISSION:

Minor Site Development Proposal:

A development proposal consisting of a change in tenant or a change in use; an addition, deletion or other site change affecting fewer than 5,000 square feet of the site; or the set up of a temporary tent.

Non-conforming Use Site Development Proposal:

A development proposal consisting of a change in tenant, a change in use, or an addition, deletion or other site change affecting fewer than 5,000 square feet of the site but involving a site that contains an existing non-conforming use.

Exemption:

With respect to existing sites where a change of tenant is being proposed and where the applicant meets certain conditions, an "Application for Exemption" can be submitted to the Planning & Economic Development Department.

The conditions for obtaining an exemption are:

1. The proposed tenant falls into the same or lesser class as the existing tenant for calculation of parking requirements and is of the same intensity of use as the tenant being replaced.
2. The new tenant does not require any site amenities other than those that have already been approved and developed on the site.
3. The new tenant does not require any exterior additions, deletions or site changes to the existing facilities on the subject property.
4. The existing site received final site development plan approval from the Town of Colonie Planning Board after May 31, 1979.
5. The existing use is a permitted use under the provisions of Chapter 190 of the Code of the Town of Colonie.
6. The existing site was not developed pursuant to the issuance of a use variance.
7. The existing site is in compliance with any previous site development plan approval issued by the Town of Colonie Planning Board.

Major Site Development Proposal:

Any development proposal not defined in the above.

PROCESS:

For minor and non-conforming use site development proposals, the review and approval process consists of the following:

1. Application for and receipt of an approved zoning verification determination from the Building Department.
2. Application to the Planning Board for final site development plan review and approval.
3. Upon receiving Planning Board approval, application can be made to the Building Department for Building and sign Permits.

For major site development proposals, the review and approval process consists of the following:

1. Application for and receipt of an approved zoning verification determination from the Building Department.
2. Application to the Planning Board for concept site development plan review and acceptance.
3. Upon receiving concept acceptance, application can be made to the Planning Board for final site development plan review and approval.
4. Upon receiving Planning Board approval, application can be made to the Building Department for Building and sign Permits.

STEPS IN THE PROCESS:

Presubmission conference (optional): Prior to the submission of a site development plan application to the Planning Board an applicant or the Planning and Economic Development Department (PEDD) may request a presubmission conference. The purpose of such a conference is to give both the Town and the applicant an opportunity to gain a better perspective with regard to a proposed plan.

Zoning verification: A zoning verification submittal must be made to the Town of Colonie Building Department. The Building Department will determine whether the proposed development or use is in conformance with the provisions of Chapter 190, "Zoning" of the Town of Colonie Code. The Building Department will notify the applicant and the PEDD of the determination and a copy will be filed in the office of the Town Clerk.

Concept site development plan review and acceptance:

The applicant must submit a concept site development plan to the Planning Board for their review. The concept site development plan provides the applicant and the Planning Board with a flexible design concept which can be changed if necessary prior to the submittal of a more detailed final site development plan.

Complete submittals must be received by the PEDD by noon on Monday, four weeks prior to the scheduled date of the Planning Board meeting at which the proposed plans will be presented.

The Planning Board, based on its review and department recommendations, and after complying with the State Environmental Quality Review Act (SEQRA) will decide either to accept the concept plan, reject it, or accept it with modifications.

Final site development plan review and approval:

Upon acceptance of the concept site development plan by the Planning Board, the applicant is responsible for preparing and submitting a final site development plan.

The PEDD will review the submittal for completeness and technical compliance with all requirements, and refer the proposal to the appropriate Town departments for additional technical review.

Upon satisfactory completion of required technical reviews, the PEDD will notify the applicant that the submittal is complete and the date at which the submittal will be reviewed by the Planning Board for their action. The Planning Board will act to approve the final site development plan, deny it, or approve it with modifications. If a modified plan is required and is not submitted to the PEDD within six months from the date of the Planning Board's approval, the approval shall become invalid.

Issuance of approval:

Upon approval of a final site development plan by the Planning Board, the applicant must submit four copies of the final plan to the PEDD. If all conditions have been met, the PEDD signs and stamps the final plans approved and distributes them to the appropriate departments. After plans are distributed, the applicant may then apply for and obtain a building permit and other permits and approvals as may be necessary.

Application for sign permit:

If the approved final plan involves the construction of any sign identifying the building and/or type of business, the applicant must apply to the Town of Colonie Building Department for a sign permit.

Certificate of occupancy:

The applicant is responsible for developing the site in strict compliance with the approved plans. No occupancy or use of the site may occur until the PEDD has determined that all required improvements to the site have been made or sufficient cash escrow has been deposited with the Town to ensure conformance, the PEDD has issued a release to the Building Department, and, if applicable, the Building Department has issued a Certificate of Occupancy.

EXPIRATION OF APPROVALS:

1. Planning Board concept site development plan acceptance is valid for 1 year from the date of issuance.

2. Planning Board final site development approval is valid for 3 years from the date of issuance.
3. An exemption for a change in tenancy is valid for 1 year from the date of issuance.
4. The date of issuance is the date that notice of a Planning Board decision granting acceptance or approval or an approved exemption is filed in the office of the Town Clerk.
5. Concept acceptance may be extended by the Planning Board for 1 additional year, and final approval may be extended annually for an additional one year period, upon written request by the applicant and consideration by the Planning Board.

PUBLIC NOTIFICATION:

- **Purpose:** It is the intent of the Town of Colonie Planning Board to provide adequate notice to property owners when a project appears before the Planning Board. The purpose is to provide those persons interested with adequate time to prepare for any public meetings related to the project, review anticipated impacts, and provide constructive comments to the Planning Board.
- **Forms of Notice:** Letters and placards are used to provide notice and are supplied by the Town of Colonie PEDD. It is the applicant's responsibility to distribute notices according to the PEDD's guidelines.
- **Matters Requiring Notice:** All Major Site Development Proposals and Non-Conforming Use Site Proposals as defined herein; all applications for new residential or commercial subdivision of lands; and all applications for amendment of a subdivision that extends the area of the subdivision or increases the number of residential lots must comply with the notice requirements set forth in the Town's policy. Additional information on notification requirements may be obtained by contacting PEDD at 783-2741.

ENVIRONMENTAL ISSUES:

The applicant will be required to comply with all applicable federal, state, and local laws, rules, and regulations with regard to environmental issues. This includes, but may not be limited to, the U.S. Army Corps of Engineers Federal Wetlands Regulations, the State Environmental Quality Review Act (SEQRA), New York State Freshwater Wetlands Permit Regulations, the Town of Colonie Watercourse Area Management Local Law, and the Federal Emergency Management

Agency's Floodplains Management Regulations as implemented in the Town's Floodplains Management Local Law.

It is the responsibility of the applicant to have any of the above significant environmental areas delineated on the site and the necessary permits, variances, or approvals obtained from the appropriate agency.

Maps for the above environmental areas can be reviewed at the PEDD. This excludes Federal Wetlands, which can only be identified and delineated by the U.S. Army Corps of Engineers.

PEDD can provide the applicant with additional information regarding who to contact in the event that the site contains any of the above.

COUNTY & STATE APPROVALS:

Projects which require a permit from State or County jurisdictional authorities as a result of their varying requirements for curb cuts, storm water management facilities, on-site wells and sanitary disposal systems, and public sewer and water utility extensions must obtain all appropriate State and County permits. Copies must be submitted to the PEDD.

OTHER INFORMATION:

State Designated Wetlands:
New York State Department of Environmental Conservation, Region 4:
518-357-2234.

Federal Wetlands:
The United States Army Corps of Engineers:
518-270-0588

Town of Colonie Department of Public Works:
518-783-6292

Albany County Department of Public Works:
518-765-2055

New York State Department of Transportation, Region 1:
518-474-6377

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