

**Town of North Greenbush
Zoning Board of Appeals
2 Douglas Street, Wynantskill NY 12198**

**Application for a Variance, Special Permit,
and/or Appeal**

Zoning Board Fees as per Chapter 197 Section I

General Information

Applicant Number	<u>20-13</u>
Date Application Received	<u>4/29/26</u>
Hearing Scheduled Date	<u>5/13/26</u>
Application Fee	<u>\$1000 pd</u>
Approved Date	Conditions (y/n)
Denial Date	Withdrawn Date
Zoning Chairperson	<u>R. French</u>

<u>Applicant:</u>		<u>Property Owner:</u>	
Name:	<u>Mark J. Wagner, Jr.</u>	Name:	<u>Mark J. Wagner, Jr.</u>
EMAIL:	<u>mjw42@live.com</u>	EMAIL:	<u>mjw42@live.com</u>
Company:		Company:	
Address:	<u>15 Bernie Loop, Troy, NY 12180</u>	Address:	<u>15 Bernie Loop, Troy, NY 12180</u>
Phone:	<u>(518) 788-7213</u>	Phone:	

Applicant is: Owner Builder Lessee Architect/Engineer Agent Other
If Other, Explain: _____

Lot Information

Street Address of Lot: 15 Bernie Loop

Parcel ID Number: 123.13-9-11 Zoning District: R-1

Irregular Shape of Lot (Y or N) Corner Lot (Y or N) Y

Existing: Lot Area 22,262 Frontage 263.51 Depth 225.3

Accessory Set Backs: Front NA Rear 7 Left 7 Right 13

Proposed: Lot Area 22,262 Frontage 263.51 Depth 225.3

Accessory Setbacks: Front NA Rear 7 Left 7 Right 13

Type of Water Service: Municipal Type of Sanitary Disposal Municipal

Describe Existing Use:
1 family residence

Type of Request: Area Variance Use Variance
 Special Permit Code Interpretation

Briefly describe the proposal:

Applicant is requesting an area variance for the set back on the property's right boundary line that abuts the town road 15 Bernie Loop. The property line is currently considered a front yard line since it abuts the road and does not allow for any accessory buildings pursuant to the zoning code.

Abutters- Adjacent Property Owners

List the name and address for each adjacent property owners. Use additional paper if needed.

	Name:	Address:	Property Use:
Front	<u>Dennis and Debra Dame</u>	<u>16 Bernie Loop</u>	<u>1 family residence</u>
Rear	<u>NA</u>		<u>Retention Pond</u>
Left	<u>John and Carole Proud</u>	<u>13 Bernie Loop</u>	<u>1 family residence</u>
Right	<u>NA</u>		<u>Bernie Loop Road</u>

Required Submittals

- _____ A plot plan showing all property lines, dimensions, adjacent streets, existing structures, setback distances, and location of proposed changes.
- _____ Part 1 of the State Environmental Quality Review (SEQR) Short Environmental Form
- _____ Appropriate fee, as determined by the Code of the Town of North Greenbush, and as Calculated by the Building Department

**NOTE: Additional submittals may be required by the Zoning Board of Appeals.
Failure to submit all required documents may result in a delay
in the processing or denial of the application.**

Have there been any other variances issued for this property? (Y or N) N
If yes, explain:

For any Area Variance Request, please complete the following:

Proposed use/construction: Accessory building
(Single family home, commercial building, addition, deck, pool, accessory building, sign, fence, etc)

	REQUIRED	PROPOSED
Lot Size:	22,262+/- sqft	22,262+/- sqft
Width at set back:	111ft	111 ft
Front Setback:	N/A	N/A
Rear Setback:	10 ft	10 ft
Left Side Setback:	10 ft	10 ft
Right Side Setback:	N/A	13 ft
Maximum Lot Coverage:	15% (3,339 sqft)	15% (3,339 sqft)
Maximum Height:	16 ft	16 ft

For Multi-family Residential / Non- Residential Area Variances, please complete the following:

	REQUIRED	PROPOSED
Number of Parking Spaces:		
Buffer:		
Units per Acre:		

Area Variance Continued

1. Explain how no undesirable change will be produced in the character of the neighborhood; nor a detriment to nearby properties created by granting the area variance.
The subject boundary line is approximately 20 ft from the existing road. The requested variance of a 13 foot setback would provide for a 33 foot buffer between the road and the proposed accessory building, which will be a pool house with an outdoor kitchen area. Each house within the neighborhood is at least 2,500 sqft with many of the houses having accessory buildings on their respective parcels. This variance request would maintain the existing character of the residential neighborhood.

2. Explain why the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an Area Variance.
Pursuant to the existing zoning code, an accessory building cannot be placed near the property's right boundary line, as it is considered a front yard due to it abutting the town road, 15 Bernie Loop.

3. Describe whether the requested Area Variance is substantial.
Pursuant to the existing zoning code, an accessory building that is between 500 - 999 sqft requires a setback of at least 10 feet from the side and rear yard boundary lines. The variance request is seeking a setback of 13 feet.

4. Explain how the proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood or district.
The subject boundary line is approximately 20 ft from the existing road. The requested variance of a 13 foot setback would provide for a 33 foot buffer between the road and the proposed accessory building, which will be a pool house with an outdoor kitchen area. Each house within the neighborhood is at least 2,500 sqft with many of the houses having accessory buildings on their respective parcels. This variance request would maintain the existing character of the residential neighborhood and district.

5. Explain whether difficulty is self-created. (Consideration is relevant, but should not necessarily preclude the granting of the Area Variance).
Pursuant to the existing zoning code, an accessory building cannot be placed near the property's right boundary line, as it is considered a front yard due to it abutting the town road, 15 Bernie Loop.

For Use Variance Applications, please complete the following:

Describe the request use: _____

1. Explain why the application cannot realize a reasonable return without the Use Variance, as demonstrated by the content financial evidence.

2. Explain how the alleged hardship relating to the property is unique, and does not apply to a substantial portion of the neighborhood.

3. Describe why granting the requested use variance will not alter the essential character of the neighborhood.

Explain whether the alleged hardships have been self- created.

Describe in Detail your request:

Explain why granting the request is consistent with the public health, safety, and general welfare of the community, including the public or commercial inconvenience of the applicant.

For **Home Occupation Request**, please see Town of North Greenbush Code Sections 197-3 and 197-24

For **Earthwork Permit**, Please see Town of North Greenbush Code Section 197-30

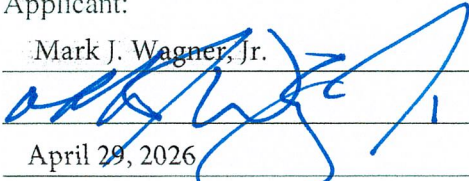
For **Telecommunication Tower Permit**, Please see Town of North Greenbush Code Section 197- 107

Appeal Criteria

Explain the nature of the requested appeal, including Town Code Section, Building Department decision, and your objections.

Certification and Authorization

I certify that the information contained in this application is true to the best of my knowledge and I authorize the Town of North Greenbush to process this application as provided by law.

	Applicant:	Property owner:
Name:	Mark J. Wagner, Jr.	
Signature:		
Date:	April 29, 2026	

FEES as per Town Code Chapter 197:
Special Permits for a residential single parcel: \$50.00 Special Permit for non-residential parcel: \$150.00
Area Variance for a single residential parcel: \$100.00 Area Variance for a non- residential parcel: \$300.00
Use Variance for a single residential parcel: \$200.00 Use Variance for a non-residential parcel: \$500.00
Plus reimbursement of legal and engineering expenses per 95-4 for all variances & special permit applications

617.20

Short Environmental Assessment Form

Part I - Project Information

Instructions for Completing

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

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

Part I – Project and Sponsor Information			
Name of Action or Project: 15 Bernie Loop Variance Request			
Project Location (describe, and attach a location map): 15 Bernie Loop, Troy, NY 12180 (TMP No. 123.13-9-11)			
Brief Description of Proposed Action: A request for a variance of the setback requirement of the property's right boundary line to 13 feet.			
Name of Applicant or Sponsor: Mark J. Wagner, Jr.		Telephone: (518) 788-7213	
Address: 15 Bernie Loop		E-Mail: mjlw42@live.com	
City/PO: Troy		State: NY	Zip Code: 12180
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 <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:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.51 acres			<input checked="" type="checkbox"/>
b. Total acreage to be physically disturbed? _____ .00 acres			<input type="checkbox"/>
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.51 acres			<input type="checkbox"/>
4. Check all land uses that occur on, are adjoining, or near the proposed action: <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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<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?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<input 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			



LOCAL DESIGN STUDIO

245 2ND STREET
TROY, NY 12180
DESIGNISLOCAL.COM
914.850.1347

SITE PLAN BASED ON
AUGUST 2024 SURVEY

PROJECT NO. 26013
DATE: 4/28/2026

POOL HOUSE
15 BERNIE LOOP
TROY, NY 12180

SP01

