

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

Applicant Number	<u>26-10</u>
Date Application Received	<u>4/24/26</u>
Hearing Scheduled Date	<u>5/13/26</u>
Application Fee	<u>100<sup>00</sup></u>
Approved Date	_____ Conditions (y/n) _____
Denial Date	_____ Withdrawn Date _____
Zoning Chairperson	<u>R. FRENCH</u>

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

Zoning Board Fees as per Chapter 197 Section I

**General Information**

<b>Applicant:</b>		<b>Property Owner:</b>	
Name:	<u>Kathryn V. Dell</u>	Name:	<u>Kathryn S. Dell</u>
EMAIL:	<u>Attorney.dell@nycap.vr.com</u>	EMAIL:	<u>Attorney.dell@nycap.vr.com</u>
Company:	<u>Com</u>	Company:	_____
Address:	<u>4530 NY 43 Rensselaer, NY 12144</u>	Address:	<u>4530 NY 43 Rensselaer, NY 12144</u>
Phone:	<u>518-331-3166</u>	Phone:	<u>518-331-3166</u>

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

**Lot Information**

Street Address of Lot: 4530 NY 43 Rensselaer, NY 12144

Parcel ID Number: 145-P-14.2 Zoning District: AR

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

Existing: Lot Area \_\_\_\_\_ Frontage \_\_\_\_\_ Depth \_\_\_\_\_

Set Backs: Front \_\_\_\_\_ Rear \_\_\_\_\_ Left \_\_\_\_\_ Right \_\_\_\_\_

Proposed: Lot Area \_\_\_\_\_ Frontage \_\_\_\_\_ Depth \_\_\_\_\_

Setbacks: Front \_\_\_\_\_ Rear \_\_\_\_\_ Left \_\_\_\_\_ Right \_\_\_\_\_

*Closest Neighbor  
is over 300 ft from  
Residence*

Type of Water Service: Well Type of Sanitary Disposal: Septic

Describe Existing Use:

1 Family Residential

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

Briefly describe the proposal:

Relocates 2 story accessory building from 290 North Greenbush Road 12180 to 4530 NY 43 12144 increasing the total number of detached storage buildings from 4 to 5 and increasing total sq ft from 1160 to 2012 sq ft.

**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>Hilgendorf/Brown</u>	<u>4516 NY 43 12144</u>	<u>Residential</u>
Rear	<u>Peter D. Teal</u>	<u>70 Lape Road 12144</u>	<u>Residential</u>
Left	<u>Danilo Gurlinelli</u>	<u>4470 NY 43 12144</u>	<u>Residential</u>
Right	<u>Maureen Tunnish Snow</u>	<u>4532 NY 43 12144</u>	<u>Residential</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 *N/A TYPE II ACTION*
- 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:

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**For any Area Variance Request, please complete the following:**

Proposed use/construction: Accessory Building - Move from 286 N Greenbush Road 12160  
(Single family home, commercial building, addition, deck, pool, accessory building, sign, fence, etc)  
to 4530 NY 43 12144

	REQUIRED	PROPOSED
Lot Size:		<i>10.9 acres</i>
Width at set back:		
Front Setback:		<i>Closest Neighbor</i>
Rear Setback:		<i>is over 300 feet</i>
Left Side Setback:		<i>from residence</i>
Right Side Setback:		
Maximum Lot Coverage:		
Maximum Height:		

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.

Property is sitting on 10.8 acres with nearest neighbor located over 300 feet from residence. The addition of this accessory building will have no detrimental effect on the nearby properties.

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.

Since the potential buyers of the law office located at 280 North Greenbush Road Troy, NY 12180 do not want the accessory building I am compelled to relocate it to my home address of 4530 NY 43 Kennerly, NY 12144.

3. Describe whether the requested Area Variance is substantial.

The area variance would permit the total number of accessory buildings to 5 and increase the total square footage from 1160 to 2012 which is a 26% increase from the code's 1600 sq ft maximum.

4. Explain how the proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood or district.

The new accessory building 14 x 24 2 story structure for a total sq ft of 672 would have no adverse effect on my 10.8 acre plot of land based on the small footprint it occupies.

5. Explain whether difficulty is self-created. (Consideration is relevant, but should not necessarily preclude the granting of the Area Variance.)

The difficulty is self-created but should not preclude the N6ZBA from granting said variance. I.e., number of accessory buildings to 5 & total sq ft to 2012 exceeding code limits of 2 buildings & 1600 sq ft.

For Use Variance Applications, please complete the following: N/A

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

community, including the public or commercial inconvenience of the applicant.

Adding the 2 story accessory building increases the total sq ft of detached buildings from 1160 to 2012 sq ft which represents a 26% increase over 1600 sq ft limit, and increases the number of detached buildings from 4 to 5.

Based on the 10.8 acre lot size these variances have no effect on the health, safety, or general welfare of the community.

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.

Increases the number of detached accessory buildings from 4 to 5, and increase the total square footage from 1160 to 2012 sq ft which represents a 26% increase over the Town Code limits of 1600 total sq ft. The value of the applicant's law office compensates the relocation of the 2 story accessory building from its location at 280 North Greenbush Road to the owner's residence at 4530 NY 43 Rensselaer, NY 12144

**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:

Kathryn S. Dell

same

Signature:

Kathryn S. Dell

Date:

4.23.26

**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

## Short Environmental Assessment Form

Instructions for Completing

*Simplo Family Revisited - Type 2 Action  
No JERD required*

Please refer to this link for step by step assistance: <http://www.dec.ny.gov/permits/90156.html>

Part 1- Project information. The applicant or project sponsor is reliable 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; attached additional pages as necessary to supplement any item.

<b>Part 1- Project and Sponsor Information</b>	
Name of Action or Project:	
Project Location (Describe, and attach a location map):	
Brief Description of Proposed Action:	
Name of Applicant or Sponsor:	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.	YES    NO <input type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If yes, list agency(s) name and permit or approval:	YES    NO <input type="checkbox"/> <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ Acres	
b. Total acreage to be physically disturbed? _____ Acres	
c. Total acreage (Project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ Acres	
4. Check all land uses that occur on, adjoining and near the proposed action.	
<input type="checkbox"/> Urban <input type="checkbox"/> Rural <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input 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,	YES    NO <input type="checkbox"/> <input type="checkbox"/>

	YES	NO
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?	YES	NO
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If yes, identify: _____ _____	YES	NO
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	YES	NO
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: _____ _____	YES	NO
10. Will the proposed action connect to an existing public/private water supply? If no, describe method for providing wastewater treatment: _____ _____	YES	NO
11. Will the proposed action connect to existing wastewater utilities? If no, describe method for providing wastewater treatment: _____ _____	YES	NO
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic places? b. Is the proposed action located in an archeological sensitive area?	YES	NO
13. a. does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other water bodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or water body? If yes, identify the wetland or water body and extent of alterations in square feet or acres: _____ _____	YES	NO
14. Identify the typical habit types that occur on, or are likely to be found on the project site. Check all that apply:	YES	NO
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?	YES	NO
16. Is this project site located in the 100 year flood plan?	YES	NO
17. Will the proposed action create storm weather discharge, either from point or non- point sources? If yes, a. Will storm water discharge flow to adjacent properties?	YES	NO

b. Will storm water discharges be directed to establish conveyance systems (runoff and storm drains)?

If yes, briefly describe \_\_\_\_\_

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?

If yes, explain purpose and size: \_\_\_\_\_

YES NO

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: \_\_\_\_\_

YES NO

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: \_\_\_\_\_

YES NO

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/ Sponsor name: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

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

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the Proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: <ul style="list-style-type: none"> <li>a. public / private water supplies</li> <li>b. public / private wastewater treatment utilities?</li> </ul>		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

**Part 3- Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significance adverse environmental impact, please complete part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short- term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from Responsible Officer)

Route 43

Plot Plan  
4530NY 43



Shed  
12 x 18 = 216  
sq. ft.

3 car garage  
20 x 34 = 680 sq. ft.

Red building  
12 x 22 = 264  
sq. ft.

Processed building  
site 14 x 24  
672 sq. ft.

