

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

Applicant Number 26-09  
 Date Application Received 4/20/26  
 Hearing Scheduled Date 5/13/26  
 Application Fee 100<sup>00</sup>  
 Approved Date \_\_\_\_\_ Conditions (y/n) \_\_\_\_\_  
 Denial Date \_\_\_\_\_ Withdrawn Date \_\_\_\_\_  
 Zoning Chairperson R. FRENCH

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

Zoning Board Fees as per Chapter 197 Section 1

General Information

Applicant:  
 Name: Rocco Cardato  
 EMAIL: Rcardato@gmail.com  
 Company: \_\_\_\_\_  
 Address: 14 Holland Dr  
Reysselaer NY 12144  
 Phone: 845-629-8803

Property Owner:  
 Name: \_\_\_\_\_  
 EMAIL: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_

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

Lot Information

Street Address of Lot: 14 Holland Dr Reysselaer  
145.5-6-7  
 Parcel ID Number: 383200145567 Zoning District: Residential R1  
 Irregular Shape of Lot (Y or N) N Corner Lot (Y or N) N  
 Existing: Lot Area 15,000 sq ft Frontage 100' Depth 150'  
 Set Backs: Front \_\_\_\_\_ Rear \_\_\_\_\_ Left \_\_\_\_\_ Right \_\_\_\_\_  
 Proposed: Lot Area \_\_\_\_\_ Frontage \_\_\_\_\_ Depth \_\_\_\_\_  
 Setbacks: Front \_\_\_\_\_ Rear \_\_\_\_\_ Left \_\_\_\_\_ Right \_\_\_\_\_  
 Type of Water Service: Public Type of Sanitary Disposal: Septic

Describe Existing Use:  
Residential 1 family home

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

Briefly describe the proposal:

I am proposing to install an above ground 15' x 30' swimming pool in my rear yard. Due to the layout and constraints of the property, the pool must be located at a 10' setback from the side yard. This request represents the minimum relief necessary Abutters- Adjacent Property Owners to allow for safe, functional placement while still maintaining reasonable distance from the property line.

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

	Name:	Address:	Property Use:
Front		<u>9 Holland Dr</u>	<u>Residential</u>
Rear		<u>3 Van Leuvan Dr</u>	<u>Residential</u>
Left		<u>8 Holland Dr</u>	<u>Residential</u>
Right		<u>15 Van Leuvan Dr</u>	<u>Residential</u>
		<u>8 Holland Dr</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
- 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: Pool  
(Single family home, commercial building, addition, deck, pool, accessory building, sign, fence, etc)

	REQUIRED	PROPOSED
Lot Size:	150' x 100' = 15000 sq/ft	150 x 100 = 15000 sq/ft
Width at set back:	100'	100'
Front Setback:	30'	92'
Rear Setback:	20'	28'
Left Side Setback:	20'	10' (Regnic approval*)
Right Side Setback:	20'	75'
Maximum Lot Coverage:		450 sq/ft
Maximum Height:	≈ 35'	52"

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 \* SEE ATTACHED

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.

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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.

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3. Describe whether the requested Area Variance is substantial.

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

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

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## **AREA VARIANCE JUSTIFICATION STATEMENT**

### **1. No Undesirable Change to Neighborhood Character**

The proposed pool location will not produce any undesirable change to the character of the neighborhood. The installation is consistent with typical residential improvements in the area and will remain fully within my property. The pool will be set back 10 feet from the side property line, maintaining appropriate separation and privacy. It will not impact sightlines, noise levels, drainage, or overall neighborhood aesthetics. As such, there will be no detriment to nearby properties.

### **2. No Feasible Alternative**

Due to the layout, size, and existing conditions of the property, there is no other feasible location to install the pool in compliance with current setback requirements. Alternative placements would interfere with existing structures, utilities, or required clearances. The requested variance is the only practical way to reasonably use the property for a customary residential improvement.

### **3. Not a Substantial Variance**

The requested variance is not substantial. The pool will still maintain a 10-foot setback from the side property line, which provides adequate spacing and is consistent with maintaining neighborhood character. The adjustment is minimal and does not create any meaningful impact when compared to the overall property size and surrounding conditions.

### **4. No Adverse Environmental or Physical Impact**

The proposed pool will not have any adverse physical or environmental effects. It will be installed in compliance with all applicable safety, drainage, and construction requirements. There will be no change to stormwater flow,

no removal of significant natural features, and no impact on neighboring properties. The use is residential in nature and compatible with the surrounding area.

### **5. Self-Created Difficulty**

While the need for the variance arises from the decision to install a pool, the difficulty is largely due to the inherent limitations of the property's layout and constraints. The request is made in good faith to allow for a reasonable and customary residential improvement. The variance is minimal and does not negatively impact neighboring properties or the community.

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:

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

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:

Rocco Cordato

Signature:

Rocco Cordato

Date:

4/20/20

**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

Instructions for Completing

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

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

**Part I- Project and Sponsor Information**

Name of Action or Project: 14 Holland Variance Request

Project Location (Describe, and attach a location map): 14 Holland Dr. Rensselaer NY 12144

Brief Description of Proposed Action: Request for a 10' set back for an above ground pool.

Name of Applicant or Sponsor: Rocco Cordato

Telephone:  
E-Mail:

Address: 14 Holland Drive

City/PO: Rensselaer

State: NY

Zip Code: 12144

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

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

3. a. Total acreage of the site of the proposed action? .36 Acres  
 b. Total acreage to be physically disturbed? .023 Acres  
 c. Total acreage (Project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .36 Acres

4. Check all land uses that occur on, adjoining and near the proposed action.

- Urban
- Rural
- Industrial
- Commercial
- Residential (suburban)
- Forest
- Agriculture
- Aquatic
- Other (Specify): \_\_\_\_\_
- Parkland

5. Is the proposed action. YES  NO

- a. A permitted use under the Zoning regulations?
- b. Consistent with the adopted comprehensive plan?

YES NO

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?

YES NO

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?

9. Does the proposed action meet or exceed the state energy code requirements?

YES NO

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?

YES NO

If no, describe method for providing wastewater treatment:

11. Will the proposed action connect to existing wastewater utilities?

YES NO

If no, describe method for providing wastewater treatment:

12. a. Does the site contain a structure that is listed on either the State or National Register of Historic places?

YES NO

b. Is the proposed action located in an archeological sensitive area?

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?

YES NO

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:

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

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?

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,

YES NO

a. Will storm water discharge flow to adjacent properties?

NO

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

If yes, briefly describe Minor increase in runoff from pool area will be absorbed on-site with no impact to adjoining properties.

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)?

YES  NO

If yes, explain purpose and size:

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?

YES  NO

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?

YES  NO

If yes, describe:

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

Applicant/ Sponsor name: Rocco Cordato

Date: 4/20/26

Signature: Rocco Cordato

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?"

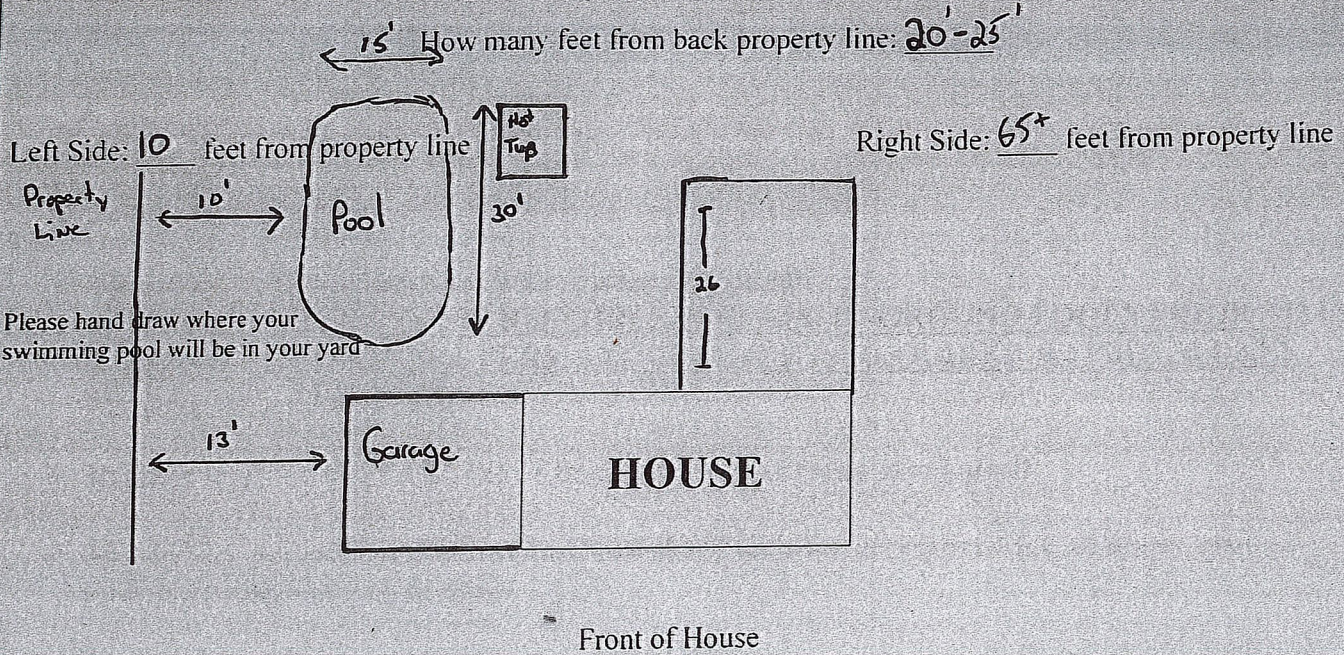
No, or small impact may occur	Moderate to large impact may occur
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1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?
2. Will the proposed action result in a change in the use or intensity of use 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:
  - a. public / private water supplies
  - b. public / private wastewater treatment utilities?
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?

# PLOT PLAN

**How far from property lines will your Swimming Pool be?**

Must be at least 20 feet from property lines - if not, you will need to request an area variance from the ZBA



❖ **PLOT PLANS SHALL INCLUDE:**

- ❖ Show bordering roads
- ❖ Show existing structures with setbacks to property lines
- ❖ Show proposed structures (pool and/or deck) with setbacks to property lines
- ❖ The property line at roads is not the edge of pavement (measure from center of road to 1/2 the distance of the Right of Way [typical-50 ft R.O.W.]

**I understand that I must close out this permit and call for all inspections in order to receive the Certificate of Compliance before the pool is used. If a final inspection is not scheduled or a permit renewal is not issued, the building permit may be closed out without the issuance of a C.O. or C.C. - this can be an issue if you sell or refinance your home. We appreciate your cooperation!**

Print Name: Ross Cresto Rocco Cordato Signature: Ross Cresto Rocco Cordato