

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>26-20</u>
Date Application Received	<u>7/22/16</u>
Hearing Scheduled Date	<u>8/12/16</u>
Application Fee	<u>\$100 - (pd)</u>
Approved Date	_____ Conditions (y/n) _____
Denial Date	_____ Withdrawn Date _____
Zoning Chairperson	<u>R. Franch</u>

<u>Applicant:</u>		<u>Property Owner:</u>	
Name:	<u>John McManus + Aubrey Roman</u>	Name:	<u>same as applicant</u>
EMAIL:	<u>jtm.mcmamus@gmail.com</u>	EMAIL:	_____
Company:	<u>n/a</u>	Company:	_____
Address:	<u>1635 Best Rd.</u>	Address:	_____
	<u>Rensselaer, NY 12144</u>		_____
Phone:	<u>(518) 859-0774</u>	Phone:	_____

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

Lot Information

Street Address of Lot: 1635 Best Rd., Rensselaer, NY 12144

Parcel ID Number: 383200145.9-1-22 Zoning District: 210-1 Family Res R1

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

Existing: Lot Area 5.92 Frontage 20.91' Depth 1,016.31'

Set Backs: Front 10' Rear 10' Left 10' Right 10'

n/a [Proposed: Lot Area _____ Frontage _____ Depth _____

Setbacks: Front _____ Rear _____ Left _____ Right _____

Type of Water Service: well Type of Sanitary Disposal sewer septic

Describe Existing Use:

single-family residential lot

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

Briefly describe the proposal:

installation of a free-standing 2-car garage off apron of existing driveway. Garage will be sided to match existing house and shed with a matching garage door and lighting to existing house.

Abutters- Adjacent Property Owners Robb will match house also.

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

	Name:	Address:	Property Use:
Front	<u>n/a</u>		
Rear	<u>Patrick Potter, John Potter</u>	<u>1629 Best Rd., Rensselaer, NY</u>	<u>single-family</u>
Left	<u>unoccupied new construction (still owned by Adeline Homes)</u>		
Right	<u>Tyler Della</u>	<u>1637 Best Rd., Rensselaer, NY 12144</u>	<u>single-family</u>

according to our survey, this is the owner
of the parcel ~~but~~ abutting our lot to the rear.

Required Submittals

- ✓ A plot plan showing all property lines, dimensions, adjacent streets, existing structures, setback distances, and location of proposed changes. *(see enclosed, stamped map)*
- ✓ 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 *(\$100.00)*

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: see p. 1 (free-standing 2 car garage) -- *necessitates a "front of yard" area variance since driveway apron is just in front of our house*
(Single family home, commercial building, addition, deck, pool, accessory building, sign, fence, etc.)

see lot info on p. 1, not seeking to change lot lines in any way.

Lot Size:
Width at set back:
Front Setback:
Rear Setback:
Left Side Setback:
Right Side Setback:
Maximum Lot Coverage:
Maximum Height:

REQUIRED	PROPOSED

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

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

Thus, no detriment or undesirable change will result by granting this variance. Also, there are several other "front of home" structures along Best Rd. and the surrounding streets.

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 proposed garage will not alter the essential character of this rural, low-density neighborhood. The property is almost 6 acres, and the only immediate adjoining neighbor is located on the opposite side of the house from the proposed garage. The nearest lot to the rear is separated by acres of forested land and the garage will be over 300 feet from the roadway largely blocked by existing forested land and a long shared driveway.

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.

This is the farthest location on our lot off Best Rd. to install the garage before the lot's topography changes to steep slopes and wetlands w/out building on our lot's septic field in the side yard.

3. Describe whether the requested Area Variance is substantial.

No - the garage is proposed to be located only about 10 feet, or one car's length, in front of the house.

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

Only the vegetation immediately necessary to accommodate the garage's footprint will be cleared; the remainder of the existing wooded hedgerow will remain in fact and continue to provide screening. The side setback will not be violated, nor will any steep slopes or other sensitive environmental features. The limited clearing will not measurably alter drainage

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

We chose to site the garage near the existing driveway apron because it is the only practical area for vehicular access and is as close to "in-line" with the house as possible.

or
wild-
life
conditions

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. (Carry-over N/A from use-variance section)

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

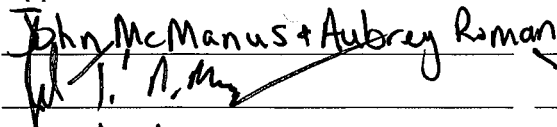
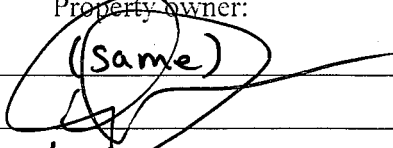
Appeal Criteria

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

We seek a variance from Town Code 197-16(A)(1) to construct a detached, 2-car garage adjacent to the apron of our existing driveway, an area that falls within the "front yard" ~~as defined in the Code~~ as defined in the Code. As a result, the garage cannot be permitted as of right, necessitating this requested area variance. Granting this area variance will not negatively impact any abutting property or the neighborhood's character given its location and design to match our existing, newly constructed home. Thus, the requested relief is warranted and respectfully sought.

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:	John McManus + Aubrey Roman	(Same)	
Signature:			
Date:	7/12/26	7/12/26	

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	

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 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.

Part 1- Project and Sponsor Information			
Name of Action or Project: <u>Area Variance at 1635 Best Road.</u>			
Project Location (Describe, and attach a location map): <u>1635 Best Rd., Rensselaer, NY 12144; see attached plot plan</u>			
Brief Description of Proposed Action: <u>Installation of a detached, 2-car garage off apron of existing driveway going into hedgerow but not encroaching on required 10-ft lot line setback. We currently seek a "front of yard" variance to secure the needed building permit.</u>			
Name of Applicant or Sponsor: <u>John McManus + Aubrey Roman</u>		Telephone: <u>(518) 859-0774</u> E-Mail: <u>jtm.mcmanus@gmail.com</u>	
Address: <u>1635 Best Rd.</u>			
City/PO: <u>Rensselaer, NY</u>	State: <u>NY</u>	Zip Code: <u>12144</u>	
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: <u>Building Permit by Town of North Greenbush after requested area variance is secured.</u>			YES ☒ NO ☐
3. a. Total acreage of the site of the proposed action?			<u>0.0132</u> Acres
b. Total acreage to be physically disturbed?			<u>0.0132</u> Acres
c. Total acreage (Project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			<u>5.92</u> Acres
4. Check all land uses that occur on, adjoining and near the proposed action.			
☐ Urban	☒ Rural	☐ Industrial	☐ Commercial
☒ Forest	☐ Agriculture	☐ Aquatic	☐ Other (Specify): _____
☐ Parkland			
5. Is the proposed action,			YES ☐ NO ☒

hence need for requested use variance.

a. A permitted use under the Zoning regulations?	YES	NO
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.	YES	NO
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?		✓
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.	YES	NO
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?		✓
13.	YES	NO
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?		unknown
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
		↳ nothing provided
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?		

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)?

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: _____

Date: _____

Signature: _____

John McManis & Aubrey Roman

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: 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?		

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)