

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

Applicant Number	<u>2308</u>
Date Application Received	<u>2/22/23</u>
Hearing Scheduled Date	<u>3/8/23</u>
Application Fee	<u>300</u>
Approved Date (y/n)	_____
Conditions	_____
Denial Date	_____
Withdrawn	_____
Date	_____

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

Zoning Board Fees as per Chapter 197 Section I

General Information

Applicant:		Property Owner:	
Name:	<u>BRIAN + KRISTIN FOUST</u>	Name:	<u>BRIAN + KRISTIN FOUST</u>
Company:	_____	Company:	_____
Address:	<u>8 ANNY STREET SARATOGA, NY 12860</u>	Address:	<u>8 ANNY STREET SARATOGA, NY 12860</u>
Phone:	<u>518-423-0497</u>	Phone:	<u>518-423-0497</u>

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

Lot Information

Street Address of Lot: 60 BLOOMINGDAVE DRIVE, TROY, NY 12180

Parcel ID Number: 123.00-1-15 Zoning District: R-1

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

Existing: Lot Area 1.85a Frontage 214' Depth 400'

Set Backs: Front 35' Rear 35' Left 20' Right 20'

Proposed: Lot Area 4.5a Frontage 99.5' Depth 250'

Setbacks: Front 35' Rear 35' Left 20' Right 20'

Type of Water Service: EXISTING WATER MAIN Type of Sanitary Disposal: SEWER
N/S 6"

Describe Existing Use:

RESIDENTIAL PROPERTY

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

Briefly describe the proposal:

CREATE A 3-LOT SUBDIVISION. EXISTING DRIVEWAY UTILIZES A DRIVEWAY WHICH CROSSES NEIGHBORS PROPERTY. THIS DIVISION WILL CREATE ALLEYS TO CATHARINE AVE, ALIGNED WITH TWO NEW LOTS. WATER + SEWER ARE AVAILABLE AT INTERSECTION OF CATHARINE AVE. + MARYWAY AVE.

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>N/A</u>	<u>N/A</u>	<u>N/A</u>
Rear	<u>WALTER + MARY FOUST</u>	<u>60 BLOOMINGDAVE DR.</u>	<u>RESIDENTIAL HOME</u>
Left	<u>ROBERT KOWALCZYK</u>	<u>123.00-1-14.113</u>	<u>VACANT LAND</u>
Right	<u>JULIA MARCUSOVA</u> <u>P.O. NAGOTH</u>	<u>12 CATHARINE AVE. WYNANTSKILL</u> <u>NY 12180</u>	<u>RESIDENTIAL HOME</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: SINGLE FAMILY SUBDIVISION
(Single family home, commercial building, addition, deck, pool, accessory building, sign, fence, etc)

	REQUIRED	PROPOSED
Lot Size:	20,000'	23,833± AND 24,206±
Width at set back:	110' AND 110'	99.48' AND 99.49'
Front Setback:	35'	35'
Rear Setback:	35'	35'
Left Side Setback:	20'	20'
Right Side Setback:	20'	20'
Maximum Lot Coverage:	10%	N/A - NO PLANS
Maximum Height:	2-STORY (35ft)	N/A - NO PLANS

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 INTENDED SUBDIVISION WILL CONTINUE TO MAINTAIN
THE CHARACTER OF THE CURRENT RESIDENTIAL 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.

CURRENT DIMENSIONS OF THE PROPERTY

3. Describe whether the requested Area Variance is substantial.

NOT SUBSTANTIAL; FEW FEET PER LOT

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

THE PROPOSED SUBDIVISION WILL MAINTAIN THE SAME CHARACTER,
AND WILL UTILIZE EXISTING WATER / SEWER

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

N/A

For Use Variance Applications, please complete the following:

Describe the request use:

N/A

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

N/A

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

N/A

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

N/A

Explain whether the alleged hardships have been self- created.

N/A

Describe in Detail your request:

N/A

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.

N/A

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.

N/A

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:	<u>BRIAN FAST</u>	<u>BRIAN FAST</u>
Signature:	<u>BLF</u>	<u>BLF</u>
Date:	<u>2/1/23</u>	<u>2/1/23</u>

FEES as per Town Code Chapter 197	
Special Permits for a residential single parcel: \$50	Special Permit for non-residential parcel: \$150
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

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: 60 BLOOMINGBURG PROPOSED SUBDIVISION	
Project Location (Describe, and attach a location map): CATHERINE AVENUE	
Brief Description of Proposed Action: CREATE A 3-LOT SUBDIVISION (MINOR). EXISTING DRIVEWAY CROSSES NEIGHBORS PROPERTY. NEW PROPOSED SUBDIVISION WILL CREATE ACCESS ALONG WITH TWO NEW LOTS. WATER & SEWER ARE AVAILABLE AT INTERSECTION OF CATHERINE AVE. & MARLOWAY AVE.	
Name of Applicant or Sponsor: BRIAN FAST	Telephone: 518-423-0497 E-Mail: brianjfast@gmail.com
Address: 8 AVENUE STREET	
City/PO: SAWTONA SPRING	State: NY Zip Code: 12866
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 Y
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 Y
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (Project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	1.85 ± Acres 0.05 ± 10 Acres 1.85 ± 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 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,	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

a. A permitted use under the Zoning regulations? b. Consistent with the adopted comprehensive plan?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input checked="" type="radio"/> YES	<input type="radio"/> 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	<input checked="" type="radio"/> 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	<input checked="" type="radio"/> 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	<input checked="" type="radio"/> NO
10. Will the proposed action connect to an existing public/private water supply? If no, describe method for providing wastewater treatment:	YES	<input checked="" type="radio"/> NO
11. Will the proposed action connect to existing wastewater utilities? If no, describe method for providing wastewater treatment:	YES	<input checked="" type="radio"/> 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	<input checked="" type="radio"/> 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 altercations in square feet or acres:	YES	<input checked="" type="radio"/> 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	<input type="radio"/> 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	<input checked="" type="radio"/> NO
16. Is this project site located in the 100 year flood plan?	YES	<input type="radio"/> 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	<input checked="" type="radio"/> NO

b. Will storm water discharges be directed to establish conveyance systems (runoff and storm drains)? If yes, briefly describe _____		X
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 X
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 X
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 X
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/ Sponsor name: <u>BRIAN FAUST</u>		
Date: <u>2/1/23</u>		
Signature: <u>[Signature]</u>		

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.

<input type="checkbox"/>	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.
<input type="checkbox"/>	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)

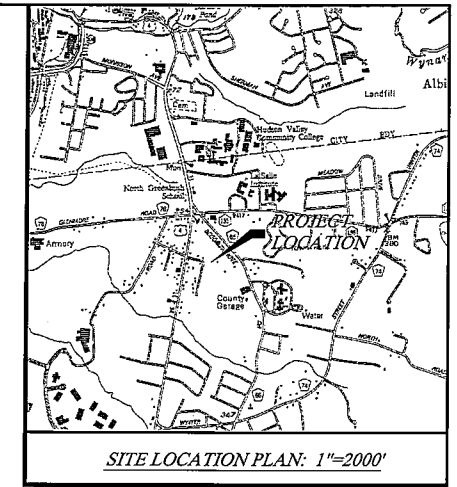
MAP REFERENCE:

1. "SURVEY & MAP OF PARCELS #1, #2, #3, #4, & #5, OF LAND, IN THE TOWN OF NORTH GREENBUSH", PREPARED BY KING & DANKIN, DATED SEPTEMBER 16, 1955 AND FILED IN THE RENSSELAER COUNTY CLERK'S OFFICE IN DRAWER 44 AS MAP 1.
2. "SURVEY & MAP OF LANDS OF PETER KOWALCZYK", PREPARED BY RICHARD DANKIN, DATED JANUARY 29, 1975 AND FILED IN THE RENSSELAER COUNTY CLERK'S OFFICE IN DRAWER 1975 AS MAP 26.
3. "FOUR-LOT SUBDIVISION MADE OF LANDS OF THE ESTATE OF PETER KOWALCZYK, JR.", PREPARED BY ZAREH ALTONIAN, DATED JULY 7, 2003 AND FILED IN THE RENSSELAER COUNTY CLERK'S OFFICE IN DRAWER 2003 AS MAP 98.
4. "MINOR TWO LOT SUBDIVISION, LANDS OF HELEN J. MARTIN", PREPARED BY EDM SURVEYING CONSULTANTS, DATED APRIL 28, 2008 AND FILED IN THE RENSSELAER COUNTY CLERK'S OFFICE IN DRAWER 2008 AS MAP 103.
5. "FINAL PLAT, THREE LOT MINOR SUBDIVISION, LANDS OF MARY K. ABBOTT", PREPARED BY EDM SURVEYING CONSULTANTS, DATED JUNE 16, 1998 AND FILED IN THE RENSSELAER COUNTY CLERK'S OFFICE IN DRAWER 1998 AS MAP 140.
6. "PLAT OF OWNER'S LAND TITLE SURVEY, LANDS OF THE ESTATE OF PETER KOWALCZYK SR.", PREPARED BY C.P. MONROW AND DATED JULY 27, 1991. (PROVIDED BY PETER KOWALCZYK)



LEGEND:

- SON
- W e WATER VALVE
- HD o HYDRANT
- GUY WIRE
- UTILITY POLE
- OVERHEAD WIRES



SITE LOCATION PLAN: 1"=2000'

GENERAL NOTES:

- NORTH ORIENTATION IS BASED ON DEED REFERENCE 1.
- ADJOINING LAND OWNER AND PROPERTY INFORMATION IS FOR REFERENCE ONLY.
- UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.
- ONLY SURVEY MAPS MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S ENKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
- SURVEYED FROM RECORD DESCRIPTION AND AS IN POSSESSION.
- SUBJECT TO ANY ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, RESTRICTIONS, CONDITIONS AND AGREEMENTS OF RECORD THAT MAY AFFECT THE PROPERTY SURVEYED. THIS SURVEY DOES NOT REPRESENT A TITLE SEARCH.
- SURVEY SUBJECT TO ANY RIGHT, TITLE AND/OR INTEREST TO ANY PORTION OF LAND LYING WITHIN OR ADJACENT TO THE HIGHWAY BOUNDS THAT MAY BE CLAIMED FOR HIGHWAY AND/OR UTILITY PURPOSES. HIGHWAY BOUNDS ARE APPROXIMATE AND WERE NOT DETERMINED BY THIS SURVEY.
- SURVEY SHOWN IS SUBJECT TO ANY SUBSURFACE CONDITIONS THAT MAY EXIST, IF ANY.
- UNDERGROUND UTILITIES THAT MAY EXIST ARE NOT SHOWN ON THIS SURVEY.
- THE LOCATION OF UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS ARE NOT ALWAYS KNOWN AND OFTEN MUST BE ESTIMATED. IF ANY UNDERGROUND IMPROVEMENTS AND/OR ENCROACHMENTS EXIST, THEY ARE NOT COVERED BY THIS CERTIFICATE.
- THIS SURVEY WAS PREPARED USING TITLE REPORT NO.A-0140317, PREPARED BY "SMFR TITLE AGENCY, INC.", WITH AN EFFECTIVE DATE OF 12/23/2021. SUBJECT TO ANY ALL FACTS, CONDITIONS AND EXCEPTIONS DISCLOSED IN SAID REPORT.

DEED REFERENCE:

1. KOWALCZYK 60 BLOOMINGGROVE, LLC TO BRIAN J. FOUST & KRISTIN T. FOUST, DATED FEBRUARY 16, 2022 AND FILED IN THE RENSSELAER COUNTY CLERK'S OFFICE IN DEED BOOK 995 AT PAGE 38.

TOWN OF NORTH GREENBUSH PLANNING BOARD

DATE SITE PLAN APPROVED: _____

NORTH GREENBUSH PLANNING BOARD
PLANNING BOARD CHAIRMAN: _____

DATE: _____

TOWN ENGINEER _____

DATE: _____

RENSSELAER COUNTY HEALTH DEPARTMENT APPROVAL

60 BLOOMINGGROVE DRIVE PROJECT NO: 22-148

PROPOSED SUBDIVISION
LANDS OF BRIAN FAUST & KRISTEN FAUST

TOWN OF NORTH GREENBUSH RENSSELAER COUNTY, N.Y.
SCALE: 1"=30' JANUARY 9, 2023

Capital District Land Surveying, PLLC
155 Edgewood Drive, Averill Park, NY
Phone: (518) 727-0665
www.capitaldistrictlandsurveying.com

