

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

Applicant Number	<u>24-20</u>
Date Application Received	<u>5/29/24</u>
Hearing Scheduled Date	<u>6/15/24</u>
Application Fee	<u>500-100</u>
Approved Date	_____ Conditions
(y/n)	_____
Denial Date	_____ Withdrawn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:
Name: Chris Constantine
Company: CMC-CEC Development Group, LLC
Address: P.O. Box 35
Wynantskill, NY 12198
Phone: (518) 378-5132

Property Owner:
Name: Chris Constantine
Company: CMC-CEC Development Group, LLC
Address: P.O. Box 35
Wynantskill, NY 12198
Phone: _____

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

Lot Information

Street Address of Lot: 425 Main Avenue (Route 66)

Parcel ID Number: 124.10-3-14 Zoning District: Hamlet (H)

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

Existing: Lot Area ±0.7 ac. Frontage 320' Depth 80.6' *Area variances received previously, 03/08/2023
 Set Backs: Front 10' Rear 24' Left 12' Right 16'
 Proposed: Lot Area *** Frontage *** Depth *** ***Same as above
 Setbacks: Front *** Rear *** Left *** Right ***

Type of Water Service: Municipal Type of Sanitary Disposal Municipal

Describe Existing Use:

The site is currently occupied by a 4,660 sq. ft. building used primarily for storage. The building is equipped with an overhead door for access by vehicles. No outdoor storage of materials exists.

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

Briefly describe the proposal:

The applicant proposes to construct a new storage building (50' x 68', 3,400 sq. ft.) and expand gravel access. The proposed building will have three (3) overhead doors.

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>Evergreen Cemetery Assoc.</u>	<u>415 Main Ave. (124.6-3-4)</u>	<u>Cemetery</u>
Rear	<u>Rosenberg, Peter L.</u>	<u>Colleen Dr. (124.10-4-8)</u>	<u>Vacant Land</u>
Left	<u>Stritsman, Wayne E.</u>	<u>424 Main Ave. (124.10-3-13)</u>	<u>Single-Family Residential</u>
Right	<u>Rosenburg, Peter L.</u>	<u>N Lakeview Ave. (124.10-4-1.22)</u>	<u>Storage (Vacant per Tax Rolls)</u>

Required Submittals

- X A plot plan showing all property lines, dimensions, adjacent streets, existing structures, setback distances, and location of proposed changes.
- X Part 1 of the State Environmental Quality Review (SEQR) Short Environmental Form
- X 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) Y

If yes, explain:

On March 8, 2023 the site received three (3) area variances. 10' Front Yard, 12' Side Yard, and 24' Rear Yard.

For any Area Variance Request, please complete the following:

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

	REQUIRED	PROPOSED
Lot Size:		
Width at set back:		
Front Setback:		
Rear Setback:		
Left Side Setback:		
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.

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.

3. Describe whether the requested Area Variance is substantial.

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

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

For Use Variance Applications, please complete the following:

Describe the request use: The site is currently used as a storage facility with an existing 4,660 sq. ft. building. The request is to expand this use by way of a new structure (3,400 sq. ft.).

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

Many of the permitted uses in the Hamlet district would require larger lots, such as Restaurants, Pharmacies, and Medical due to parking requirements. Demand for office space has declined over recent years. Further the cost to demolish the existing building and prepare the site for any other use significantly impacts the economics of an alternative project.

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

The subject parcel has several unique characteristics including the existing structure, narrow size, and proximity to a class C(t) waterway. Many other properties in the Hamlet District along Main Ave. have a greater lot depth which allows for traditional site layouts attractive to potential buyers. The existing structure was not built in a way to facilitate its conversion to one of the allowable/permitted uses.

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

The use exists today. This expansion, if permitted, will afford the applicant the opportunity to reinvest in the property and make needed improvements to the existing structure and site.

Explain whether the alleged hardships have been self- created.

The applicant originally purchased the property for the purpose of redeveloping the site with a permitted use.

However, the applicant has been unable to structure a development that would meet the allowed uses.

Any prospective buyer of the property would be faced with a similar situation - spend the costs to demolish the existing structure to be left with a relatively small, narrow lot near a stream.

Describe in Detail your request:

The applicant wishes to receive a use variance to allow the expansion of an existing non-conforming use on the subject property. The current use (storage) occupies 4,660 sq. ft. The proposed building would expand this use by 3,400 sq. ft. for a total of 8,060 sq. ft. The proposed structure will be a 50' x 68' building equipped with three (3) overhead doors. An existing gravel area will be expanded and resurfaced to provide vehicular access to the building.

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.

The proposed use and its intensity is not entirely dissimilar from other allowed uses in the zone. Auto repair and sales facilities have similar buildings but also include the outdoor storage of vehicles and materials as well as more frequent vehicular trips. The proposed project does not include outdoor storage.

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:	<u>Chris Constantine</u>	_____
Signature:	<u>[Signature]</u>	***Same as Applicant***
Date:	<u>5-29-2024</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

617.20

**Zoning Board
Meeting Minutes
March 8, 2023
Page 4**

Application 23-07, for the area variance of Chris Constantine, 462 Main Ave, Wynantskill, NY 12198, for relief from front (25 ft.), side (20 ft.) and rear (35 ft.) setback requirements, for the purpose of allowing a new 2,520 sq. ft. commercial building 10 ft. from the front property line, 12 ft. from the side property line and 24 ft. from the rear property line, at the property located at 425 Main Avenue, Wynantskill, NY 12198, in a H (Hamlet) district, having parcel ID#: 124.10-3-14.

Mr. Constantine spoke about the application. He would like to invest in the land further by placing and building there. Parcel will be long and thin. He gave the board photos of the property. He provided a plot plan for the board. He has no one lined up to move into the building. He also made improvements to the property. Trees were also cleaned up. There is a small creek in the rear of the property. This has not been brought before the planning board and will need to per Chairman French.

He will not go before the planning board until he has a renter who wants a specific building.

Public Hearing opened:

Wayne Stritsman, 424 Main Avenue: He stated Chris has done a great job cleaning the property up. He is not opposed to the application.

Chairman French stated what is being proposed is fairly consistent with the town envisioned as part of a Hamlet.

Motion made to close the Public Hearing by Mr. Masone and seconded by Mr. DeJulio. All in favor.

County: Local consideration shall prevail.

Undesirable change: No

Benefits sought by applicant: No

Substantial: No

Adverse affect: No

Self created: Yes but does not preclude

Motion made to approve by Mr. DeJulio and seconded by Mr. Crucetti.

Roll call vote: Masone, Crucetti, French, DeJulio. All in favor.