

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518)694-4011 FAX (518)477-2386

MEETING AGENDA TUESDAY, JULY 14, 2020 7:30PM

**Please note: This meeting will be conducted remotely pursuant to Executive Order No. 202.1, issued by Governor Cuomo on March 12, 2020, and advisories issued by Federal, State and Local officials related to the COVID-19 virus. See the attached Notice for more information, including how to view the proceedings.*

7:30 PM CALL TO ORDER

PUBLIC HEARINGS:

ZBA Appeal #2020-05-Collins Homeland, LLC.-44 Troy Road- Area Variance-
Proposed parking in the front yard

SEQR DETERMINATION & RECOMMENDATION:

ZBA Appeal #2020-05-Collins Homeland, LLC.-44 Troy Road- Area Variance-
Proposed parking in the front yard

WORKSHOP/DELIBERATION:

ZBA Appeal #2020-05-Collins Homeland, LLC.-44 Troy Road- Area Variance-
Proposed parking in the front yard

NEXT MEETING:

August 11, 2020 (July 28 cancelled)

STATUS –APPEALS ON AUGUST 11, 2020:

- Tentative

APPROVAL OF MINUTES:

June 9, 2020 & June 23, 2020 meeting minutes

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the ZONING BOARD of the Town of East Greenbush will hold a public hearing on July 14, 2020 beginning at 7:30 pm to consider the following matter:

Appeal number # 2020-05 the appeal of Collins Homeland LLC. of 44 Troy Road, East Greenbush, NY 12061. The applicant proposes to develop a portion of the required parking in the front yard in the PPB Zoning District. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section: III 3.1.6 Table III-C Area and Bulk Schedule: Parking not permitted within the front yard. Therefore the proposed action requires an Area Variance for the property located at 44 Troy Road, East Greenbush NY. Tax Map # 166.8-3-12

Pursuant to Executive Order No. 202.1, issued by Governor Cuomo on March 12, 2020, and advisories issued by Federal, State and Local officials related to the COVID-19 virus, the ZONING BOARD will convene the public hearing remotely as follows:

The Public Hearing will commence at 7:30 pm and shall be conducted through the use of Zoom, a web-based video conferencing tool with local, desktop client and smartphone applications that will allow Board members and the public to participate electronically and remotely by audio and with or without a video connection. The meeting will also be live streamed on the Town's YouTube Channel.

To access the Board's public hearing, you have several options:

1. Go to www.zoom.us and download the free application. Once downloaded, enter 841 9867 4438 as the "Join Meeting" invitation code.

Click on <https://us02web.zoom.us/j/84198674438>

2. With a smartphone, utilize one click id +16468769923, 89559026943# US (New York)
3. Call +1 646 876 9923 with your phone, and then enter Meeting ID: 841 9867 4438

Important notes for voice-only participants: Please note that when dialing in (voice only) you may experience time on hold until being admitted to the meeting. To protect the privacy of your phone number please call in dialing *67 before +1 646 876 9923.

To view the Live Stream, go to the Town's YouTube Channel at https://www.youtube.com/channel/UCzStopZCsgZKn_GV0i1WalA.

Please note that this public hearing will be conducted remotely only and will not be held at Town Hall, which is currently closed. Please be patient upon joining the meeting. You will be provided instructions on how to deliver your comments once in the meeting.

Pursuant to Executive Order No. 202.1, this meeting will be recorded and transcribed and posted to the Town's website.

Written comment may be submitted to the Zoning Board by email to alovely@eastgreenbush.org or to the Zoning Board, Town of East Greenbush, 225 Columbia Turnpike, Rensselaer, New York 12144 at any time prior to the hearing.

BY ORDER OF THE ZONING BOARD

DATED JULY 1, 2020

JEFF PANGBURN, CHAIRMAN

ZONING BOARD

TOWN OF EAST GREENBUSH

FOR ADDITIONAL INFORMATION REGARDING THIS ACTION CONTACT THE EAST GREENBUSH PLANNING & ZONING DEPARTMENT BY EMAIL AT ALOVELY@EASTGREENBUSH.ORG

Town of East Greenbush
Zoning Board of Appeals

AREA VARIANCE

An applicant for a variance will be afforded a public hearing, at which time the applicant will present his/her case to the Zoning Board of Appeals, a board of seven members who will determine the disposition of the appeal by a majority vote. The following information is offered as a guide to assist you in preparation for your hearing. For additional advice, you are encouraged to contact your personal legal counsel.

An Area Variance has been defined as one where: "the owner still must comply with the zoning ordinance's limitations on use of land, but is allowed to build or maintain physical improvements which deviate from the zoning ordinance's nonuse limitations." (Rathkopf, The Law of Planning and Zoning, (4th ed) section 38.01(4). New York State statute dictates that the Zoning Board of Appeals take a "balancing approach" in making its determination on an application for an area variance. The board must weigh two basic things: the benefit to the applicant if the variance is granted versus the detriment to the health, safety and general welfare of the neighborhood or community that would occur if the variance were to be granted.

The statute provides that in balancing the interests of the applicant and those of the neighborhood or community, the board of appeals must consider the following five factors:

1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
3. whether the requested area variance is substantial;
4. whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and
5. whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

Finally, carrying the "balancing" step further, the statute provides that when granting area variances, the board of appeals shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The applicant should be prepared to answer questions from the board related to these factors at the hearing.

B.T. Sipperly

Brian T. Sipperly

Signature

Print Name

05/07/20

Date

Zoning Board of Appeals
Town of East Greenbush
225 Columbia Turnpike
Rensselaer, New York 12144

All applications must be submitted to the Building Department with:

1. Determination by Zoning Enforcement Officer (given to applicant by Building Department) and
2. Survey Map or Plot Plan, Site Plan, Sketch, and/or Other Descriptive Detail

The property owner must complete Sections A, B, and C.

A. Property Owner Data Please print or type neatly.

1. Name: Collins Homeland LLC
2. Address: 44 Troy Road
3. City: East Greenbush State: NY Zip: 12061
4. Telephone Number: 518.805.1446
5. Location of Property: 44 Troy Road
6. Tax Map No. 166.80-3-12
(Can be obtained at Assessors Office)
7. Email Address: brian@verityeng.com

8. Representative:

Name: Brian T. Sipperly - Verity Engineering, D.P.C Phone Number: 518.389.7200 x2

(If other than property owner) (Authorization form must be filled out and submitted)

B. Application for (Check as appropriate)

Area or Use

Variance(s) ☒ Special Permit ☐ Interpretation ☐

Reason for Appeal (Please include brief but detailed description of the proposed action which require variance(s) or special permit. Attach additional pages as necessary).

See project narrative and area variance addendum. Section III 3.1.6 Table III-C Area and Bulk Schedule:
Parking not permitted within the front yard.

C. Signature of Property Owner:

B.T. Sipperly

Date: 05/07/20

D. For Official Use

Appeal Number:

2020 -

Tax Map Number:

166.80-3-12

Zoning District:

ABB

Appeal Type:

Area Variance

Fee(s): \$ 246.50

Received: App + certified

Hearing Date:



Verity Engineering, D.P.C.
P.O. Box 474
Troy, New York 12181
518.389.7200 | verityeng.com

Project Narrative

Proposed Parking Improvements

Town of East Greenbush, Rensselaer County

March 2020

Site Address: 44 Troy Road
East Greenbush, NY 12061
Tax Map 166.8-3-12

Applicant: Collins Homeland LLC
44 Troy Road
East Greenbush, NY 12061

Owner: Collins Homeland LLC
44 Troy Road
East Greenbush, NY 12061

Design Professional: Verity Engineering, D.P.C.
P.O. Box 474
Troy, NY 12181

Zoning: PPB – Personal/Professional District

Proposed use: Access and Parking Lot Improvements

Project Overview

The applicant proposes to construct site access and parking lot improvements at 44 Troy Road East Greenbush, NY 12061. The subject parcel has a logical postal address of 44 Troy Road East Greenbush, NY a/k/a TMPL: 166.8-3-12, is 0.81± acres in size, more or less rectangular in shape and wholly located within the Personal/Professional District (PPB) zone. The parcel is bordered on the west by Troy Road, a/k/a NYS Route 4 with a principal access driveway at Troy Road and bordered on the east by a tributary of Mill Creek. The project area is not located within a flood plain, does not contain watercourses, wetlands, steep slopes or other ecological resources worth noting. The scope of work for the proposed project involves select removal of stumps and trees, grading, construction of new segmental retaining wall closing two (2) curb cuts, reconstructing the remaining principle access and site preparation for paving operations. A portion of the required parking is proposed in the front yard which will require an area variance.

Description of Existing Site and Use

The parcel is comprised of a single lot, 0.81± acres in size, has 100± feet (ft.) of frontage along Troy Road a/k/a NYS Rt.4 which is jurisdictional to New York State Department of Transportation (NYSDOT), over 300 ft. in depth, and is more or less rectangular in shape. The site is principally developed with a 1,800 sq. ft. single-story wood-framed structure which has been converted to a professional office use and contains three (3) existing access curb cut from Troy Road along with a paved parking in the rear of the building and circular driveway in the front yard. The proposed development lies wholly within the PPB zone with said zone extending northerly and southerly along the east side of Troy Road and generally extending to the depths of each parcel along the roadway. The surrounding parcels are comprised of residential and commercial uses. The site is served with pole-mounted electric and municipal water and sewer infrastructure. Private utilities such as electric and natural gas together with telecom are adjacent to the parcel along Troy Road. The parcel is not encumbered by easements or special rights.

Site topography is gently sloping from west to east. The site may be contained within the 100-yr floodplain; however, the project area is not. No permanent surface waters are contained within the project area and site vegetation is minimal consisting of grassed area and secondary treed growth.

Drainage and Surface Water

Surface drainage on the property sheet flows easterly towards an unnamed tributary of the Mill Creek. No closed drainage system exists along this portion of Troy Road. No changes are proposed to the pre-existing drainage pattern. Site disturbance will be less than one (1) acre and therefore not subject to a NYSDEC SPDES stormwater permit.

Easements and Utilities

See above: *Description of Existing Site and Use* above.

Description of Proposed Project

The applicant proposes to construct site access and parking lot improvements at 44 Troy Road East Greenbush, NY 12061. The subject parcel has a logical postal address of 44 Troy Road East Greenbush, NY a/k/a TMPL: 166.8-3-12, is 0.81± acres in size, more or less rectangular in shape and wholly located within the Personal/Professional District (PPB) zone. The parcel is bordered on the west by Troy Road, a/k/a NYS Route 4 with a principal access driveway at Troy Road and bordered on the east by a tributary of Mill Creek. The project area is not located within a flood plain, does not contain watercourses, wetlands, steep slopes or other ecological resources worth noting. The scope of work for the proposed project involves select removal of stumps and trees, grading, construction of new segmental retaining wall, closing two (2) curb cuts, reconstructing the remaining principle access and site preparation for paving operations.

Anticipated Impacts on Services:

Traffic

The proposed improvements will not generate additional traffic. Following the Corridor Access Management principles, closure of two (2) existing curb cuts and reconstruction of the principal access driveway to NYSDOT minor commercial driveway standards should allow for easier entry and exit from the major roadway.

Water and Wastewater

No changes to existing utilities are proposed.

Municipal Solid Waste

The proposed project will generate additional solid waste that will require disposal to a landfill and recycling center. Private trash collection contractors will be used to collect and dispose of the solid waste. Applicant is using bins which are suitable and does not require dumpster service.

Impact on Adjacent Property

Noise

The project will have no adverse impact on noise.

Visual

The project will have no adverse visual impact.

Drainage and Stormwater

Drainage patterns will not be altered from the predevelopment conditions. See: *Drainage and Surface Water* above.

Air Quality

The project will have no adverse effect on air quality.

Odor



The project will have no adverse effect on odors.

Impact to Wetlands

No impact to wetlands is proposed.

Existing and Proposed Building

Gross Floor Area

The principal structure has an approximate Gross Floor Area (GFA) of 1,800 sq. ft.

Building Height and Number of Floors

N/A

Miscellaneous Site Information

Parking, Parking Improvements and Site Distance

Table III-A, Off-Street Parking and Loading Dock Standards, last updated by L.L. No. 1 of 2008 calls for 1 space for each 120 sq. ft. of professional office which requires a total of fifteen (15) spaces where thirteen (13) are proposed. The development plan proposes a portion of the required parking in the front yard which is a violation according to Table III-C: Parking Area Minimum Setbacks.

There exists ample sight distance northerly and southerly along Troy Road at the proposed access driveway.

Hours of Operation

N/A

Open Space Preservation/Green Space

The proposed green space is approximately 75%.

Construction Sequence and Phasing

The project is intended to be built in a single phase.

Disposal of Chemicals

The operation will not involve the storage of regulated chemicals. Fertilizers and pesticides for lawn and landscape treatment will be applied by licensed contractor/personnel and brought to the site at time of application.

Town Communication Impacts

No known communication devices or needs are proposed at this time.

Variances/Waivers/Referrals

The project will require approval from the Town of East Greenbush Planning Board for the proposed improvements, NYSDOT for a non-utility highway work permit and Town of East Greenbush Zoning Board of Appeals for parking in the front yard.





Verity Engineering, D.P.C.
P.O. Box 474
Troy, New York 12181
518.389.7200 | verityeng.com

Zoning Appeals Addendum

Town of East Greenbush, Rensselaer County

May 2020

Site Address: 44 Troy Road (NYS Route 4)
East Greenbush, NY 12061
Tax Map 166.80-3-12

Applicant: Verity Engineering, D.P.C.
P.O. Box 474
Troy, NY 12181

Owner: Collins Homeland, LLC
44 Troy Road
East Greenbush, NY 12061

Design Professional: Verity Engineering, D.P.C.
P.O. Box 474
Troy, NY 12181

Zoning: PPB – Personal/Professional District

Proposed use: Access and Parking Improvements

1/ Explain how no undesirable change will be produced in the character of the neighborhood; nor a detriment to nearby properties created by granting an area variance.

The applicant proposes to improve the existing parking that exists in the front yard. Although the character of the neighborhood consists predominantly of older single-family structures used for predominantly for residential uses, the parking improvements in the front yard will not alter the character of the neighborhood as there already exists many driveways with "oversized turnouts" that are used for parking. All other aspects about the project meet the PPB-zoning guidelines.

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:

The structure at 44 Troy Road does not support handicap accessibility between floors. For the applicant to not pursue an area variance, a large quantity of import and placement of fill, deconstruction of an existing retaining wall and construction of a new-larger parking area would need to occur east (behind) of the structure along with internal building improvements for ADA accessibility would be required which is not feasible for the applicant.

3/ Describe whether the requested Area Variance is substantial:

The requested Area Variance is not substantial as the applicant is seeking only to physically improve the parking surface for increased safety function and client satisfaction and not expanding the parking area that exists today.

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

The project will not have an adverse effect on the physical or environmental conditions of the neighborhood because construction does not propose the gross cutting of trees, wetland and other critical environ[s] disturbance that exist in the area. Drainage will be improved as a result of the improvements.

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

The applicant is the property owner and thus the variance is considered to be self-created. However, all attempts are being made to conform to the zoning code with the repurposing of existing single-family structures into commercial use need to be reasonably accommodated.



Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible 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; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: 44 Troy Road - Access and parking improvements			
Project Location (describe, and attach a location map): 44 Troy Road East Greenbush, NY 12061			
Brief Description of Proposed Action: Applicant proposes to construct driveway access and parking improvements. Scope of work includes selective clearing, grading, placement of select fill, new retaining wall and paving. There are no proposed changes to existing utilities serving the site.			
Name of Applicant or Sponsor: Collins Homeland LLC		Telephone: 518.805.1446	
		E-Mail: mcollins@itgcorporation.com	
Address: 44 Troy Road			
City/PO: East Greenbush		State: NY	Zip Code: 12061
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.			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of North Greenbush - Site plan approval Town of East Greenbush - Area Variance NYSDOT - Non-Utility Highway Work Permit			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.81 acres	
b. Total acreage to be physically disturbed?		0.1 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.81 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" 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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

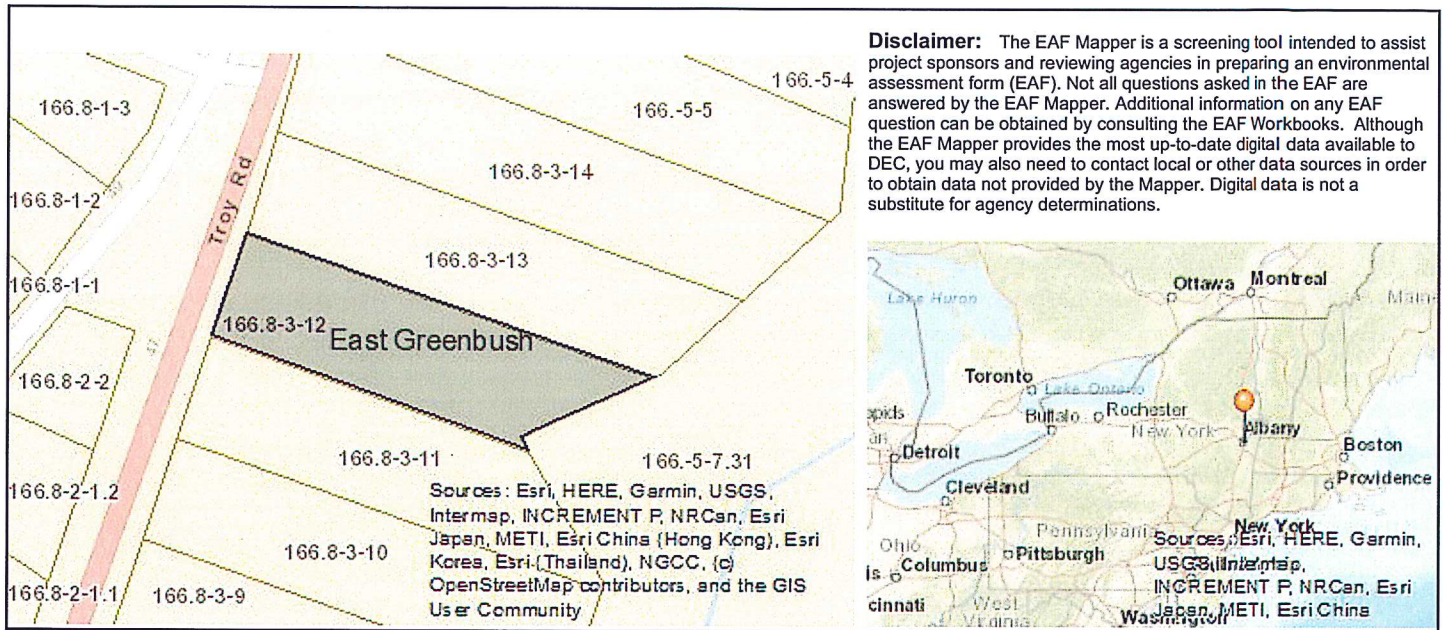
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> 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?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Brian T. Sipperly - Verity Engineering, D.P.C. - Agent for Applicant</u> Date: <u>03/18/20</u>		
Signature: <u>B.T. Sipperly</u> Title: <u>Principal Project Manager</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No



The Town of East Greenbush

Building Department

225 Columbia Turnpike, Rensselaer, New York 12144

Phone: 518-477-6225 - Fax: 518-477-2386

April 24, 2020

Collins Homeland LLC
44 Troy Road
East Greenbush, NY 12061

RE: PERMIT APPLICATION

44 Troy Road

Tax Map # 166.8-3-12

To Whom It May Concern;

On April 6, 2020 you submitted an application for work at the above property involving:
Proposal to develop a portion of the required parking in the front yard. The property is located in an area, which is zoned: **Personal / Professional District (PPB)**

This application has been examined for compliance with the applicable provisions of the Zoning Laws and the Town Code of the Town of East Greenbush.

The review of the proposed work will not comply with the following provisions of the Town Zoning Law: **Section III 3.1.6 Table III-C Area and Bulk Schedule: Parking not permitted within the front yard. The proposed action requires (1) Area Variances.**

Therefore, your application of April 6, 2020 is hereby **DENIED**.

This objection may be addressed by filing revised plans reflecting conditions, which comply with the requirements of the Town Code and Zoning Laws. In the alternative, this denial may be appealed to the Zoning Board of Appeals on forms available from the Planning and Zoning Office, 225 Columbia Turnpike. (518) 694-4011.

Sincerely,

Kevin Hitchcock
Building Inspector



TOWN OF EAST GREENBUSH – RENSSELAER COUNTY

225 Columbia Turnpike Rensselaer, NY 12144

Office: (518)477-6225; Fax: (518)477-2386

www.eastgreenbush.org

BUILDING DEPT. APPLICATION FORM

24-HR. NOTICE FOR INSPECTIONS

Application No. Permit Issued 20 Permit Expires 20 Zoning District Fee (\$) Approved by:

All submittals with this application need to be in DUPLICATE. The undersigned hereby applies for a permit to do the following work which will be done in accordance with the description, plans, and specifications submitted, and such special conditions as may be indicated on the permit. Issuance of a building permit DOES NOT release the applicant from verifying whether or not said building lot is in a flood zone or a wetland's area. PRINT ALL INFORMATION CLEARLY:

The owner of this property is: Collins Homeland LLC Phone #/Cell# 518.479.3881 E-MAIL: mcollins@itgincorporation.com Property Location: 44 Troy Road East Greenbush, NY 12061 SBL #: 166.8-3-12 Name of Person/Business Responsible for work: TBD Phone # TBD E-MAIL: TBD

Contractor Requirements: Provide Town with proof of Gen. Liability Insurance & Worker's Comp. Insurance with each permit. Town of East Greenbush listed as certificate holder on each insurance.

Estimated Value of Work: \$ \$30,000

NATURE OF PROPOSED WORK (circle)

- Construction of new building (Describe in NOTE AREA*) Alterations to a building (Describe in NOTE AREA*) Demolition of building Installation of plumbing (Describe in NOTE AREA*) Installation of oil /gas /ac / heating /cooling unit Fence - 4' high 6'high - Total l.f. Swimming Pool - Above or In-ground Size: x Depth Driveways - New Resurface Expansion Shed - Size x - Total s/f Roof (Circle) New Reroof Repair Solar Panels (Circle) Roof Ground Sign(s) Size: x - Total s/f Other (Describe in NOTE AREA*)

REQUIREMENTS:

A PERMIT MUST BE OBTAINED BEFORE BEGINNING WORK AND INSPECTIONS MUST BE CALLED IN BEFORE AND DURING CONSTRUCTION.

INDICATE ON THE PLOT PLAN: STREET NAMES, LOCATION, SIZE OF PROPERTY; SIZE & SETBACKS OF PROPOSED BUILDINGS AND LOCATION OF ALL EXISTING BUILDINGS. SHOW PROPOSED BUILDING(S) IN DOTTED LINE AND EXISTING BUILDING(S) IN SOLID LINE.

BEFORE YOU DIG CALL 811 or 1.800.962.7962

OR

www.DigSafelyNewYork.com/homowners

*NOTE AREA - ADDITIONAL INFORMATION : See project narrative

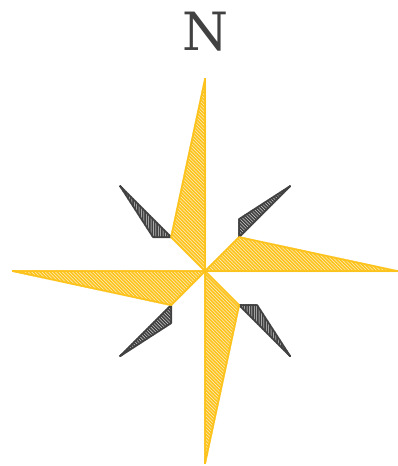
The undersigned hereby applies for a permit to do the specified work which will be done in accordance with the description, plans and specifications submitted and such special conditions as may be indicated on the permit.

SIGNATURE: Brian T. Sipperly - Verity Engineering, D.P.C.- Agent for Applicant DATE: 03/28/20

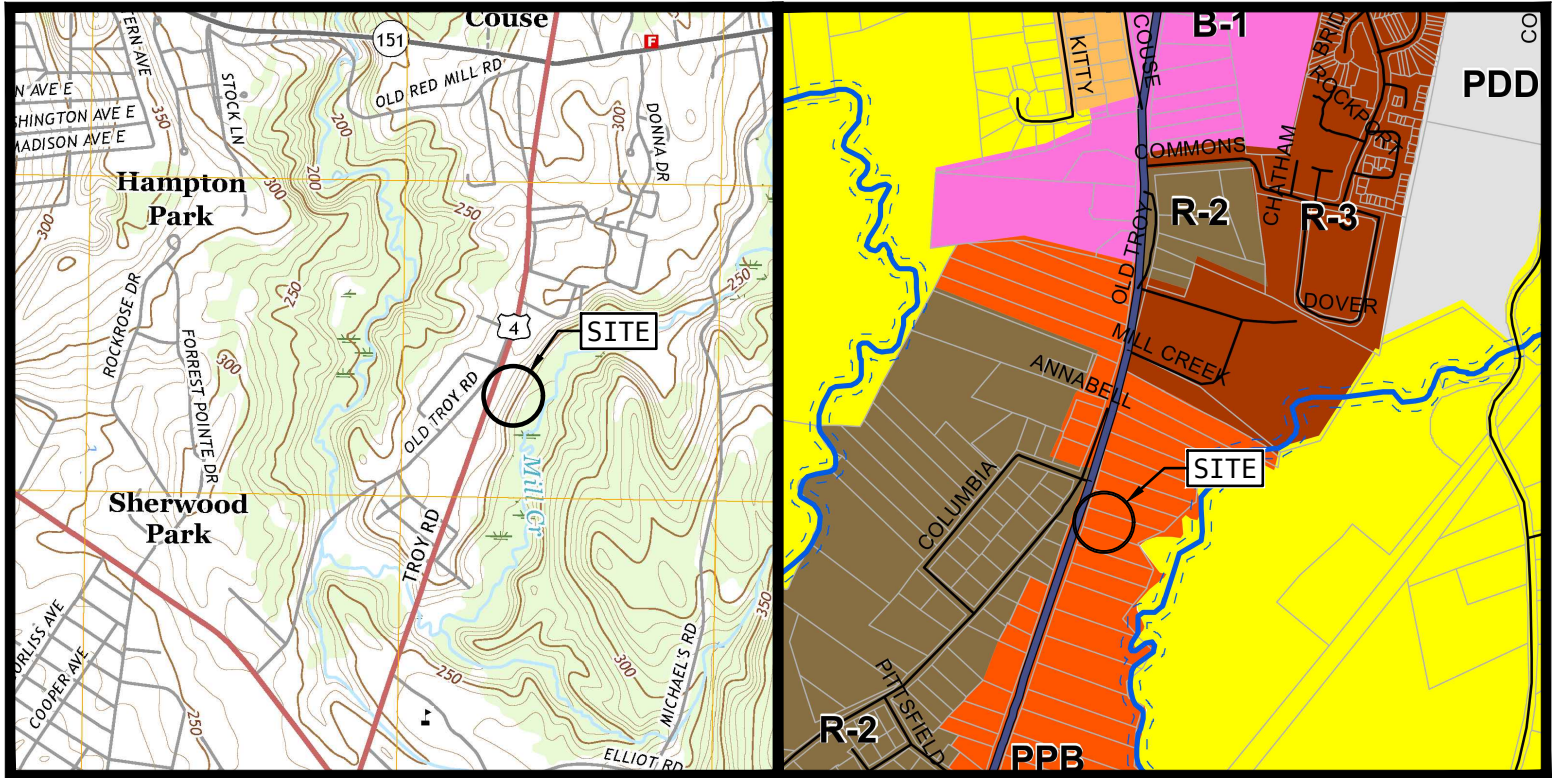
SPECIAL CONDITIONS OF THE PERMIT:

BY:

Required upon completion: CERTIFICATE OF COMPLIANCE for alterations; CERTIFICATE OF OCCUPANCY for new construction/occupancy; THIRD PARTY ELECTRICAL APPROVAL for all electrical work.



LANDSCAPING SCHEDULE					
SYMBOL	QTY.	SCIENTIFIC NAME	COMMON NAME	SIZE	Delivery/Notes
TA	2	Tilia americana	American Linden	2" - 2.5" ø	B&B
IT	3	Itea virginica	Virginia Sweetspire	#3	B&B
IV	2	Ilex verticillata	Winterberry	#3	B&B
TM	10	Taxus x media 'Densiflora'	Dense Spreading Yew	24" - 30"	B&B
HC	6	Hypericum calycinum	St. John's Wort, "Aaron's Beard"	#3	Cont.
JH	10	Juniper horizontalis	Bar Harbor Juniper	#3	Cont.



USGS QUAD.
1" = ±2,000'

ZONING MAP
1" = ±1,000'

SITE STATISTICS			
ADDRESS: 44 TROY ROAD (US ROUTE 4)			
TAX MAP: 166.8-3-12			
AREA: ±35,476 SF. (±0.814 AC.)			
ZONE: PERSONAL/PROFESSIONAL DISTRICT (PPB)			
USE: PROFESSIONAL OFFICE			
	MIN. LOT AREA	43,560 SF.	SITE N/A
	MIN. LOT WIDTH	108 FT.	N/A
	MIN. FRONT SETBACK	25 FT.	N/A
	MIN. SIDE SETBACK	12 FT.	N/A
	MIN. REAR SETBACK	25 FT.	N/A
	MAX. BUILDING COVERAGE	35 %	N/A
	DENSITY (DWELLING UNITS)	4 /AC.	N/A
	MAX. BLDG. HEIGHT	35 FT.	N/A
	PARKING SETBACK		
1. NO LOTS ARE CREATED AS PART OF THIS PROPOSAL.			
2. NO NEW STRUCTURES ARE INCLUDED IN THIS PROPOSAL.			
PARKING			
USE: PROFESSIONAL OFFICE			
REQUIRED: 1 PER 120 SQ. FT. (GROSS)			
1,800 SQ. FT. / 120 = 15 SPACES MAX.			
PROVIDED: 13 SPACES (INCLUDES 1 ADA)			
SITE COVERAGE			
	EXISTING	PROPOSED	
GREENSPACE	29,376 SF. (83%)	26,736 SF. (75%)	
PAVEMENT	5,000 SF. (14%)	7,640 SF. (22%)	
BUILDING	1,100 SF. (3%)	1,100 SF. (3%)	
	35,476 SF.	35,476 SF.	

TROY ROAD (U.S. ROUTE 4)

R=20' TYP.

EXISTING TREES TO BE REMOVED

R=10' TYP.

R=4' TYP.

REMOVE EXISTING PAVEMENTS

6 SPACES

EXISTING WALK TO REMAIN

1 STORY HOUSE

W. No. 44-3

FFR: 99.02

GFF: 90.67

24.3'

25.19'

26.86'

55.09'

24'

18'

94'

95'

96'

97'

98'

99'

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346'

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518) 694-4011 FAX : (518) 477-2386

July 14, 2020

MEMO:

In regards to Appeal #2020-05: Collins Homeland LLC. for 44 Troy Road- Application an Area Variance, the Zoning Board of Appeals has considered this project under SEQR and determines that this project meets the requirements for a Type II Action and no further SEQR review is required.

End of Memo

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
Collins Homeland LLC.
For an Area Variance

**Resolution and
Final Decision of
Board of Appeals**

Appeal No. 2020-05

Whereas, An application has been filed by Collins Homeland LLC. of 44 Troy Road East Greenbush, NY, 12061. The applicant proposes to develop a portion of the required parking in the front yard in the PPB Zoning District. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section: III 3,1.6 Table III-C Area and Bulk Schedule: Parking not permitted within the front yard; and

Whereas, The applicant has filed an application requesting an Area Variance at the property located at 44 Troy Road East Greenbush, NY (Tax Map No. 166.8-3-12); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on July 3, 2020; and

Whereas, Notice of the Public Hearing was provided by Certified Mail to the owners of all property within 200 feet of the land involved in the application, to the Town Planning Board, and to the Rensselaer County Bureau of Economic Development and Planning; and

Whereas, A Public Hearing was held by the Board of Appeals on Tuesday, July 14, 2020 to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its July 8, 2020 meeting provided a report of the requested Area Variance with a recommendation; and

Whereas, At this hearing, the applicant as well as any and all persons interested in this appeal were heard, their statements recorded, and various written material including exhibits, if any, were entered into the record; and

Whereas, All statements, written material and exhibits submitted in connection with said appeal have been carefully considered; and

Whereas, This appeal has met all the requirements of the **SEQR** and the **TEQR**; now, therefore, be it

Resolved, that the Board of Appeals makes the following findings of fact:

1. There will **(not)** be an undesirable change in the character of the neighborhood as
2. There is **no** other method available to the applicant as
3. The requested variance is **(not)** substantial
4. The proposed variance will **(not)** have an adverse effect on the neighborhood
5. The alleged difficulty is **(not)** self-created; however, **that shall not necessarily preclude the granting of the area variance.**

Resolved, that the application for an Area Variance for parking in the front yard be _____ **(GRANTED/DENIED)** with ____ **(NO)** condition(s):

1.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on July 14, 2020.

(Discussion)

A vote was taken as follows:

John Conway	_____
Matt Ostiguy	<u>Absent</u>
Tom Hickey	_____
Jeff Pangburn	_____
Bob Seward III	_____
Scot Strevell	<u>Absent</u>

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2020

****Granting of this variance, does not preclude the applicant from obtaining a building permit***

Copy To:

Collins Homeland LLC.
44 Troy Road
East Greenbush, NY 12061

Cc: Rensselaer County Planning
Town Clerk (Via Email)
Building Inspector (Via Email)
Assessor (Via Email)
ZBA File No. 2020-05