

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, AUGUST 10, 2021 7:30PM

7:30 PM CALL TO ORDER

PUBLIC HEARINGS:

ZBA Appeal #2021-07-Krug-14 Connecticut Avenue-2 Area Variances-Garage

ZBA Appeal #2021-09-TOEG-Third Avenue Extension-2 Area Variances-Pump Station

ZBA Appeal #2021-10-Alcindor-222 Tampa Avenue-2 Area Variances-Garage

SEQR DETERMINATION & RECOMMENDATION:

ZBA Appeal #2021-07-Krug-14 Connecticut Avenue-2 Area Variances-Garage

ZBA Appeal #2021-09-TOEG-Third Avenue Extension-2 Area Variances-Pump Station

ZBA Appeal #2021-10-Alcindor-222 Tampa Avenue-2 Area Variances-Garage

WORKSHOP/DELIBERATION:

ZBA Appeal #2021-07-Krug-14 Connecticut Avenue-2 Area Variances-Garage

ZBA Appeal #2021-09-TOEG-Third Avenue Extension-2 Area Variances-Pump Station

ZBA Appeal #2021-10-Alcindor-222 Tampa Avenue-2 Area Variances-Garage

NEXT MEETING:

August 24, 2021

STATUS –APPEALS ON AUGUST 24, 2021:

ZBA Appeal #2021-08-Holland-107 Moore Road-Area Variance-Garage

APPROVAL OF MINUTES:

July 13, 2021



RECEIVED

JUL 06 2021

DEPT Zoning

The Town of East Greenbush

Zoning Board of Appeals

225 Columbia Turnpike, Rensselaer, New York 12144

Phone: 518 694-4011

AREA VARIANCE APPLICATION

Section 1: Applicant/Property Owner Information:

Applicant:

Name: John Krug + Sherri Krug

Address: 14 Connecticut Ave Rensselaer NY 12144

Phone #: (518) 577-0788

Email Address: Sherri Krug 417 @ Gmail . Com

Signature of Applicant: [Signature]

Date: 7/5/21

Property Owner (If not Applicant)

Name: _____

Address: _____

Phone #: _____ Email Address: _____

See Authorization page if Applicant and Property Owner are not the same

Section 2: Property Information:

Property Address/Location: 14 Connecticut Ave Rensselaer NY 12144

Tax Map #: 155.9-15-11 (*Obtain from Assessor's office*)

Section 3: Project Information:

Describe project & why a variance is necessary:

Tear down Existing falling down Garage and shed and replace
them with new Large Garage. New garage is to close to rear
property line and to close to house. I would like to connect house
and garage at some point. Rear property line is Section 2.6.6
to close to house Section 2.5 D05 b.

Indicate the Town Zoning Law Chapter/Section from which this variance application is being requested: This information can be found on the denial from the Building Dept.

2.51005b

Article: _____ Section: 2.6.6 Subsection: _____

Additional code sections if they pertain: _____

Please complete the following table indicating all Area Variances needed, if a variance is not required for one or more, just put N/A.

	<u>Required per Code:</u>	<u>Requested Dimensions:</u>
Front Setback:		
Side Setback:		
Rear Setback:	25 ft	8 ft
Lot width/frontage:		
Height:		
Other: From House	13.5 ft	6 ft

All applications must be submitted to the Planning/Zoning 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
3. Complete application package.
4. Application fee & certified mailing fees will be calculated and a fee letter will be sent to the applicant within a week of receiving a completed application package.

If you have any questions you can reach the Zoning secretary at alovely@eastgreenbush.org

For Official Use Only:

Appeal Number: 2021-07 Date Application Received: 7/6/21 Tax Map Number: 155.9-15-11 Zoning District: R-2 Appeal Type: 2 Area Variances Application/Certified Fee: \$454.68 Received: 7/6/21 Receipt # 6665 Hearing Date: 8/10/21 <input type="checkbox"/> Approved: <input type="checkbox"/> With/without conditions: <input type="checkbox"/> Denied:

FOR AN 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.

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.

To grant an Area Variance, the ZBA will must balance the benefits to the applicant and the health, safety and welfare of the neighborhood and community, taking into consideration the following factors. The ZBA must consider each of these factors, but no one factor is determinative and the weight to given to each of them will vary with the facts of each case.

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 the granting of the variance will produce an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the character of the neighborhood for the following reasons:

most homes in this neighborhood are non compliant.
there are many many cases of garages without proper
set set backs.

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. Identify what alternatives to the variance have been explored (alternative designs etc.) and why they are not feasible:

there is simply not enough room. All building lots in this neighborhood are small.

3. Whether the requested area variance is substantial. The requested variance is not substantial for the following reasons:

Im not asking for something that isnt /hasnt Already Been Granted many times before in this neighborhood.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district. The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district for the following reasons:

This is nothing that isnt already in place on Almost All lots in this neighborhood.

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. Explain whether the alleged difficulty was or was not self-created:

small building lots Created Lack of space.



The Town of East Greenbush

PLANNING AND ZONING DEPARTMENT

225 Columbia Turnpike, Rensselaer, New York 12144

Phone: 518.694.4011

Fax: 518.477.2386

MEMORANDUM

TO: Applicants and Design Professionals

FROM: Adam Yagelski, Director of Planning and Zoning

DATE: February 14, 2019

SUBJECT: State Environmental Quality Review Act (SEQRA) Title 6 NYCRR Part 617 Regulations guidance

The following webpage will provide helpful guidance to applicants and their design professionals about completing an environmental assessment form Short (EAF):

<http://www.dec.ny.gov/permits/357.html>.

Form to Submit with Your Application

The Town's Zoning Application packet contains a Short EAF Part 1 form for your consideration.

Completing Required SEQRA Forms

It is also important to note that the webpage link provided above contains resource materials and information concerning use of state web-based interactive mapping applications, including the NYSDEC's EAF Mapper tool, to assist you in completing the required SEQRA documentation.

It is *strongly* recommended that applicants use the EAF Mapper tool to complete Part 1. Applications should submit the completed Part 1 returned by the EAF Mapper and the accompanying report the tool auto-generates. You can learn more about the EAF Mapper and access the tool by visiting the following webpage: <https://www.dec.ny.gov/permits/90201.html>.

STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) SHORT ENVIRONMENTAL ASSESSMENT FORM:

Please complete the attached SEQR Short EAF Part 1 ONLY as required by New York State, which can be found in pdf writable format here:

<http://www.dec.ny.gov/permits/6191.html>

This form may also be downloaded and much of the information completed for you using the NYS Department of Environmental Conservation EAF Mapper Application program located at:

<https://gisservices.dec.ny.gov/eafmapper/>

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.

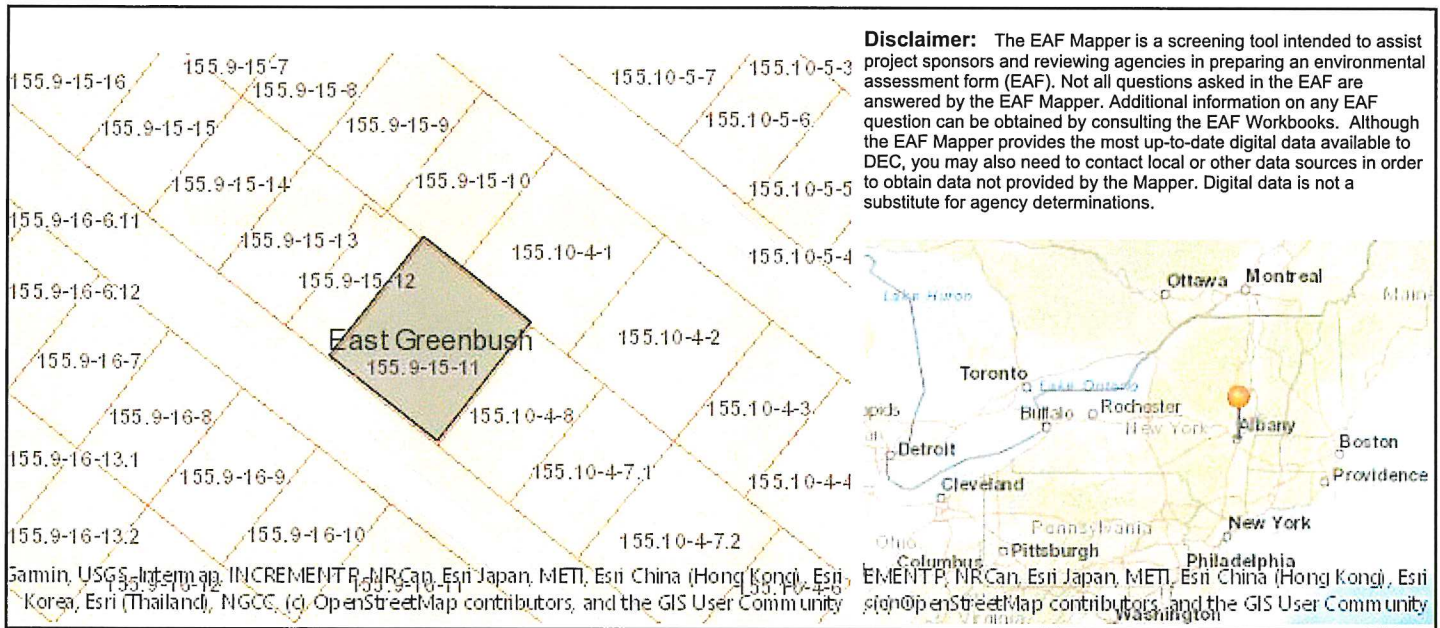
Part 1 – Project and Sponsor Information			
Name of Action or Project: <i>Garage.</i>			
Project Location (describe, and attach a location map): <i>14 Connecticut Ave</i>			
Brief Description of Proposed Action: <i>Tear down old falling down Garage and shed and build New Garage.</i>			
Name of Applicant or Sponsor: <i>John Krug</i>		Telephone: <i>(518) 577-0788</i>	
		E-Mail: <i>Sherri Krug417@gmail.com</i>	
Address: <i>14 Connecticut Ave</i>			
City/PO: <i>Rensselaer</i>		State: <i>N.Y.</i>	Zip Code: <i>12144</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
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.			
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
If Yes, list agency(s) name and permit or approval:			
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <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, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	N/A <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services 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?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
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: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input checked="" type="checkbox"/>	YES <input 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? 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?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input 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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	

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 type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input 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
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
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>John Krug</u> Date: <u>7/5/21</u> Signature: <u>[Signature]</u> Title: <u>Owner</u>		

EAF Mapper Summary Report

Tuesday, July 6, 2021 9:38 AM



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 (518) 477-6225 FAX (518) 477-2386
Building, Zoning and Fire Prevention

June 24, 2021

John Krug
14 Connecticut Avenue
Rensselaer, NY 12061

RE: Permit Application
14 Connecticut Avenue
Tax Map # 155.9-15-11

Dear Mr. Krug,

On May 24, 2021 you submitted an application for work at the above property involving:
Proposal to remove an existing shed and garage and construct a 30' x 30' garage.
The property is located in an area, which is zoned: **R-2 Residential District.**

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 Code: **Section 2.6.6 R-2 Zone Area and Bulk Schedule requires a rear setback of 25 feet. The proposed garage leaves a distance of 8 feet from the rear lot line. Section 2.5D05b requires the accessory structure to be 13.5 feet from the principle building. The proposed garage is 6 feet from the principle building. The proposed action requires (2) Area Variances.**

Therefore, your application of May 24, 2021 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 / Zoning Department, 225 Columbia Turnpike. (518) 694-4011.

Sincerely,

Kevin Hitchcock
Building Inspector

Cc: Zoning Board of Appeals



RECEIVED

MAY 24 2021

EAST GREENBUSH
BUILDING DEPT.

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: John Krug

Phone #/Cell# 518-577-0788
E-MAIL: Sherri Krug 417@gmail.com
SBL #: 155.9-15-11

Property Location: 14 Connecticut Ave

Name of Person/Business Responsible for work: John Krug

Phone # 518 577-0788
E-MAIL: _____

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: \$ 25,000

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:** Tear Down Old Garage and Shed and replace with New Garage.

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: [Signature]

DATE: 5/23/21

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.

John Krug
518 577-0788

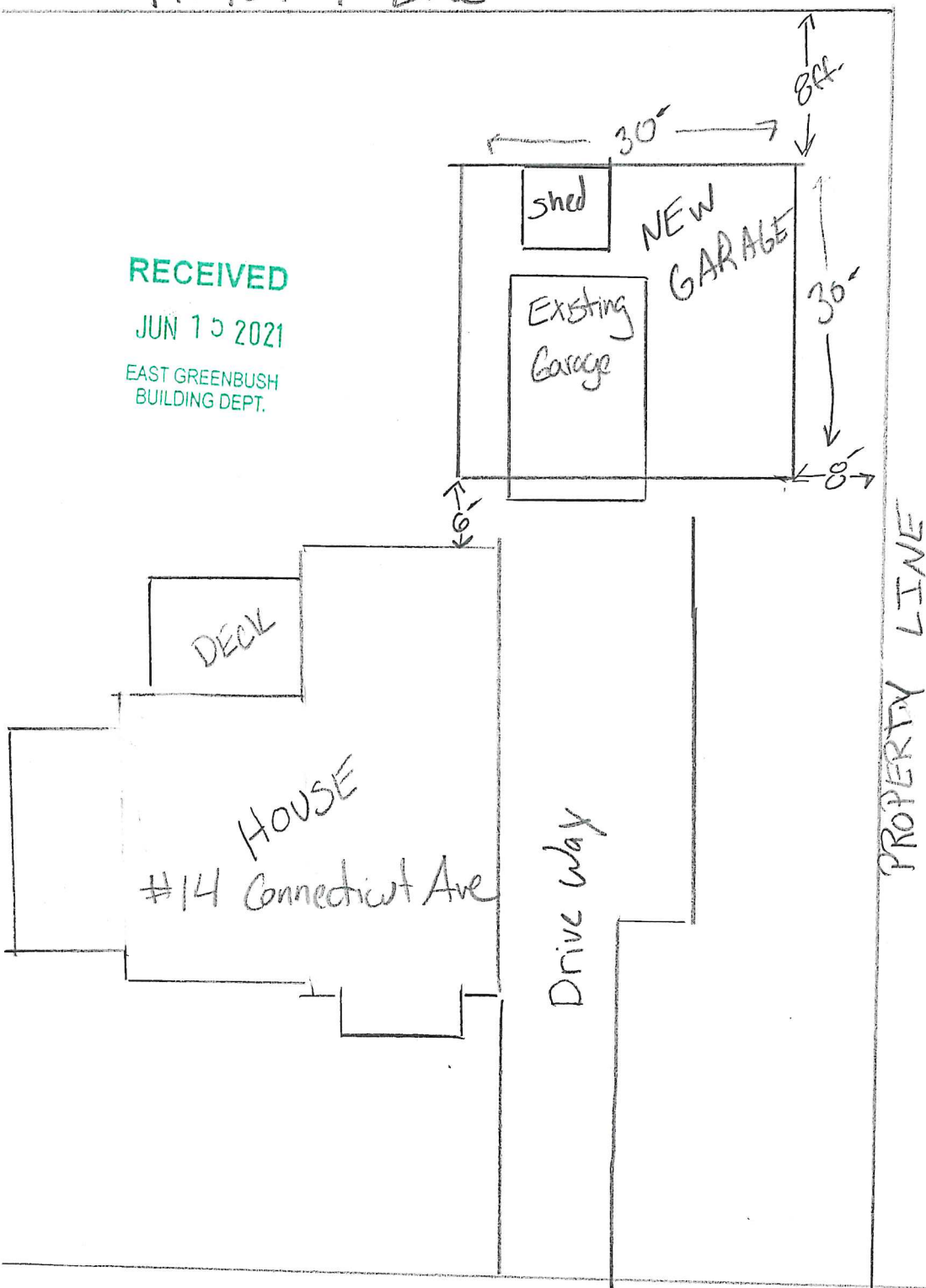
REVISION
6-24-2021

PROPERTY Line

RECEIVED

JUN 15 2021

EAST GREENBUSH
BUILDING DEPT.



Existing Garage And
Shed To Be Torn
Down For New
Garage.

Garage 13 1/2 Feet
From Ground to Peak

Plan is to
Eventually Build
A Breezeway From
House To Garage
To Attach Them



The Town of East Greenbush

Zoning Board of Appeals

225 Columbia Turnpike, Rensselaer, New York 12144
Phone: 518 694-4011

AREA VARIANCE APPLICATION

Section 1: Applicant/Property Owner Information:

Applicant:

Name: Town of East Greenbush Attn: Adam Yagelski, Director of Planning and Zoning

Address: 225 Columbia Turnpike Rensselaer NY 12009

Phone #: 518-694-4011 Email Address: ayagelski@eastgreenbush.org

Signature of Applicant: _____ Date: 7-8-2021

Property Owner (If not Applicant)

Name: Capital City Cemetery Corporation, Inc.

Address: 330 Third Avenue Extension Rensselaer NY 12144

Phone #: _____ Email Address: _____

See Authorization page if Applicant and Property Owner are not the same

Section 2: Property Information:

Property Address/Location: 300 Third Avenue Extension Rensselaer NY 12144

Tax Map #: 144.-3-6.11 (*Obtain from Assessor's office*)

Section 3: Project Information:

Describe project & why a variance is necessary:

The proposal is for a minor 2-lot subdivision in order for the Town to acquire approximately 0.28 acres of land
to construct upgrades to a Town-owned sanitary sewer pump station, the 3rd Ave Pump Station. Two (2)
variances are needed: The proposed lot does not conform to the minimum area or minimum lot frontage
requirements of the Corporate Office/Regional Commercial (OC) zone as set forth in Section 2.7.5.F.
Please see the attached project narrative.

**Indicate the Town Zoning Law Chapter/Section from which this variance application is
being requested: This information can be found on the denial from the Building Dept.**

Article: 2 Section: 7 Subsection: E

Additional code sections if they pertain: _____

Please complete the following table indicating all Area Variances needed, if a variance is not required for one or more, just put N/A.

	<u>Required per Code:</u>	<u>Requested Dimensions:</u>
Front Setback:	N/A	N/A
Side Setback:	N/A	N/A
Rear Setback:	N/A	N/A
Lot width/frontage:	400'	170.14'
Height:	N/A	N/A
Other: Minimum lot area	5 Acres	0.28 Acres

All applications must be submitted to the Planning/Zoning 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**
- 3. Complete application package.**
- 4. Application fee & certified mailing fees will be calculated and a fee letter will be sent to the applicant within a week of receiving a completed application package.**

If you have any questions you can reach the Zoning secretary at aloveley@eastgreenbush.org

For Official Use Only:

Appeal Number:

Date Application Received:

Tax Map Number:

Zoning District:

Appeal Type:

Application/Certified Fee:

Received:

Hearing Date:

☐ Approved:

☐ With/without conditions:

☐ Denied:

Town of East Greenbush Pump Station Upgrade Project

3rd Avenue Pump Station Upgrade Minor Subdivision Project Narrative

July 14, 2021

The Town, in partnership with Regeneron Pharmaceuticals, Inc. and New York State Empire State Development, is in the process of upgrading the 3rd Avenue and Barracks Road Pump Stations. The upgrades are necessary to address capacity needs and to improve the future maintenance and operation of the pump stations. The Town of East Greenbush Town Board, in its Amended Statement of Findings for the Regeneron Tempel Lane Campus development, required Regeneron to upgrade or replace these two pump stations as a mitigation measure in connection with its environmental review of Regeneron's development.

The replacement of the 3rd Avenue PS is the subject of this Application. The attached 3rd Avenue PS Site Plan shows the proposed upgrades, which include a precast building, new wet well, pump room, and related site improvements. The building will house electrical components; a washer/compactor to remove organic matter from screenings and improve ease of handling by operations staff, and an odor control system. The pumps themselves will be in a basement below grade.

The building has been designed with brick veneer and a roof truss system to be compatible with the surrounding uses and appropriate to its location on a major transportation artery, Third Avenue Extension. Renderings are attached showing the upgraded 3rd Avenue PS. Site improvements include a paved access drive, a black vinyl clad chain link fence surrounding the site, a motorized access gate, exterior security lighting, and landscaping within the fenced-in area.

A new pump station with above and below ground components, will be constructed on approximately 0.28 acres of land immediately to the south of the existing 3rd Avenue PS. These lands are owned by the Capital City Cemetery Corporation (the Cemetery), and in order for the Town to acquire from the Cemetery these lands, a minor subdivision is necessary. This proposed subdivision is shown on the attached proposed sketch plat.

The 0.28 acre lot needed is less than the 5 acre minimum lot size required in the OC zone. And the proposed 170.14' lot width is less than the 400 feet minimum lot width required in the Office/Commercial zone. Therefore, two area variances are necessary. A separate application planned to be submitted to the Town's Zoning Board of Appeals is attached herewith for reference.

On June 16, 2021 ([163-2021](#)), the Town of East Greenbush Town Board, as SEQR lead agency, issued a negative declaration, which is also attached. The Town is currently working with Regeneron and the Cemetery on a purchase and sales agreement (PSA). A draft PSA has been prepared by Regeneron and is currently being reviewed by the Cemetery and the Town.

Date: _____

FOR AN AREA VARIANCE:

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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.

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.

To grant an Area Variance, the ZBA will must balance the benefits to the applicant and the health, safety and welfare of the neighborhood and community, taking into consideration the following factors. The ZBA must consider each of these factors, but no one factor is determinative and the weight to given to each of them will vary with the facts of each case.

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 the granting of the variance will produce an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the character of the neighborhood for the following reasons:

The variances are needed to support a Town project to upgrade an existing pump station. The project was identified as mitigation for Regeneron's Tempel Lane Campus development. Because the project would replace an existing station, no undesirable change will occur.

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. Identify what alternatives to the variance have been explored (alternative designs etc.) and why they are not feasible:

It is the Town's understanding that no other options, aside from the requested subdivision, exist to allow the property to be transferred from the Cemetery to the Town. Alternative locations within the Third Ave ROW have been explored but were prohibitively expensive to pursue.

3. Whether the requested area variance is substantial. The requested variance is not substantial for the following reasons:

The requested variances are substantial (94% relief from the OC min. area requirements and 71% relief from the OC min. frontage requirements). However, the minimum lot sizes were developed largely to make buildable lots for grouping of office and commercial uses in this zone--not for Town infrastructure; the existing pump station has no lot. While the requested variance would be substantial if this was going to be a building lot for commercial development, it is not for an infrastructure lot.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district. The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district for the following reasons:

The project will not have an adverse effect or impact because it involves building an upgraded station immediately adjacent to an existing pump station. The Town of East Greenbush Town Board, as lead agency, has taken a hard look at the potential adverse environmental impacts and has issued a negative declaration.

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. Explain whether the alleged difficulty was or was not self-created:

The need for the variances is self-created, as alternative sites or acquisition of a parcel conforming to the requirements of the OC zone are alternatives. However, these alternatives are impractical from a cost standpoint and relative to long-term operations. In addition, acquisition of a compliant parcel would impact future Cemetery activities, such as the loss of burial sites.



The Town of East Greenbush

PLANNING AND ZONING DEPARTMENT

225 Columbia Turnpike, Rensselaer, New York 12144

Phone: 518.694.4011

Fax: 518.477.2386

MEMORANDUM

TO: Applicants and Consultants

FROM: Adam Yagelski, Director of Planning and Zoning

DATE: February 14, 2019

SUBJECT: State Environmental Quality Review Act (SEQRA) Title 6 NYCRR Part 617 Regulations guidance

The following webpage will provide helpful guidance to applicants and their design professionals about completing an environmental assessment form (EAF), both Short and Full EAFs:

<http://www.dec.ny.gov/permits/357.html>.

Form to Submit with Your Application

The Town's Land Development Application packet contains a Short EAF Part 1 form for your consideration. However, a Part I Full EAF must be completed for all actions classified as "Type I" under SEQRA. The Town may also require a Full EAF for other actions subject to SEQRA; applicants should contact the Planning and Zoning Department with questions. The Full EAF can be found at the webpage link provided above.

Completing Required SEQRA Forms

It is also important to note that the webpage link provided above contains resource materials and information concerning use of state web-based interactive mapping applications, including the NYSDEC's EAF Mapper tool, to assist you in completing the required SEQRA documentation.

It is *strongly* recommended that applicants use the EAF Mapper tool to complete Part 1. Applications should submit the completed Part 1 returned by the EAF Mapper and the accompanying report the tool auto-generates. You can learn more about the EAF Mapper and access the tool by visiting the following webpage: <https://www.dec.ny.gov/permits/90201.html>.

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			
Town of East Greenbush			
Name of Action or Project: Third Avenue Extension Pump Station upgrade - minor subdivision			
Project Location (describe, and attach a location map): 330 Third Avenue Extension - Subdividing Capital City Cemetery's existing 77.55 acre parcel to convey 0.28 acres to Town			
Brief Description of Proposed Action: Long EAF previously completed and approved by Town Board - see attached narrative			
Name of Applicant or Sponsor: Town of East Greenbush (sponsor), Adam Yagelski Director of Planning & Zoning		Telephone: 518-694-4011	
		E-Mail: AYagelski@eastgreenbush.org	
Address: 225 Columbia Turnpike			
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.		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:		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.28 acres	
b. Total acreage to be physically disturbed?		0.28 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		77.55 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 checked="" 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 checked="" type="checkbox"/> Other(Specify): Cemetery			
<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 checked="" type="checkbox"/>	<input 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:			
Pump Station upgrade	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
Pump Station upgrade			
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Pump Station upgrade			
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 type="checkbox"/>	<input checked="" 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: _____			

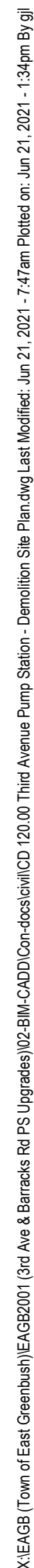
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> 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, <div style="margin-left: 20px;"> a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? </div> If Yes, briefly describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pump Station upgrade		
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 type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Adam Yagelski</u> Date: <u>7-8-2021</u> Signature: <u></u> Title: <u>Director of Planning & Zoning</u>		




Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.




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]	Yes
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]	Yes



DESCRIPTION	SYMBOL
SAWCUT PAVEMENT LINE	-----
REMOVE AND DISPOSE EXISTING ASPHALT PAVEMENT AND BASE	
LIMIT OF CLEARING	_____ - _____
REMOVE AND DISPOSE OF EXISTING SANITARY LINE	_____ S _____
REMOVE AND DISPOSE OF EXISTING SANITARY FORCE MAIN	_____ FM _____
REMOVE AND DISPOSE OF EXISTING ELECTRICAL LINE	_____ E _____

EXISTING CONDITIONS LEGEND

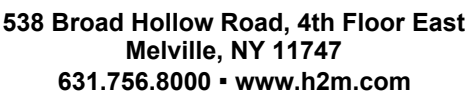
DESCRIPTION	SYMBOL
PROPERTY LINE	---
CHAIN LINK FENCE	X X
GUIDE RAIL	o o
UNDERGROUND CABLE TV	CTV CTV
OVERHEAD WIRES	OH OH
UNDERGROUND ELECTRIC	E E
SANITARY SEWER	S S
SANITARY FORCE MAIN	FM FM
MONUMENT FOUND	□
UTILITY POLE	⊙
GUY ANCHOR	⋈
SEWER MANHOLE	○
SIGN	⌢
WATER VALVE	⊗
MINOR CONTOUR	--- 161 ---
MAJOR CONTOUR	--- 160 ---
EXISTING TREELINE	~~~~~
ASPHALT PAVEMENT	

EXISTING CONDITIONS NOTES:

1. EXISTING SURVEY DATED AUGUST 1, 2019, PREPARED BY RAYMOND C. SMITH JR., LL.S, DIRECTOR OF SURVEYING OF THE LEBERGE GROUP.
2. THE BASIS OF BEARING IS GRID NORTH, NEW YORK STATE PLANE NAD83, EAST ZONE AND VERTICAL DATUM IS NAVD88 (GEOID 12A) DERIVED FROM GPS RTK UTILIZING NY'S DOT RTN CORS NETWORK.
3. UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE IN LOCATION AND ARE NOT CERTIFIED TO. WHILE EVERY EFFORT WAS MADE TO PLOT UNDERGROUND FACILITIES, STRUCTURES AND UTILITIES FROM FIELD INVESTIGATIONS AS WELL AS DATA OBTAINED FROM PREVIOUS MAPS, RECORD UTILITY DRAWINGS AND UTILITY FIELD MARKOUTS, THERE MAY BE DEVIATIONS FROM WHAT IS SHOWN, OR OTHER UNDERGROUND UTILITIES, THE EXISTENCE OF WHICH ARE NOT KNOWN TO THE UNDERSIGNED. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY THE EXISTENCE, SIZE AND LOCATION OF ANY UNDERGROUND UTILITIES AND STRUCTURES SHOWN OR NOT SHOWN HEREON. DIG SAFELY NEW YORK MUST BE NOTIFIED PRIOR TO CONDUCTING TEST BORINGS, EXCAVATION AND CONSTRUCTION.
4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN UP-TO-DATE ABSTRACT OF TITLE OR TITLE REPORT AND IS, THEREFORE, SUBJECT TO ANY EASEMENTS, COVENANTS, RESTRICTIONS OR ANY STATEMENT OF FACT THAT SUCH DOCUMENTS MAY DISCLOSE.
5. ONLY TITLE SURVEYS BEARING THE MAKERS EMBOSSED SEAL SHOULD BE RELIED UPON SINCE COPIES OTHER THAN EMBOSSED-SEAL COPIES MAY CONTAIN UNAUTHORIZED AND UNDETECTABLE MODIFICATIONS, DELETIONS, ADDITIONS AND CHANGES.

SITE REMOVALS NOTES:

- REPORT ANY DISCREPANCIES BETWEEN ACTUAL FIELD CONDITIONS AND THE PLANS TO THE ENGINEER IN WRITING IMMEDIATELY.
2. UNDERGROUND UTILITY INFORMATION SHOWN ON THESE PLANS WAS OBTAINED FOR DESIGN PURPOSES ONLY. PROVIDE FOR CONSTRUCTION MARKOUT AND LOCATE EXISTING UNDERGROUND UTILITIES. NO EXCAVATION CAN COMMENCE UNTIL UTILITY DOCUMENTATION HAS BEEN COMPLETED.
3. AFTER MARKOUT AND PRIOR TO DISTURBING THE SITE, UNCOVER ALL SUBSURFACE UTILITIES AND STRUCTURES WITHIN LIMITS OF DISTURBANCE TO CONFIRM THEIR LOCATION AND DEPTH.
4. NO COMPENSATION WILL BE MADE FOR ANY INCONVENIENCE CAUSED BY ENCOUNTERING UTILITIES AND STRUCTURES WHICH ARE NOT SHOWN, OR ARE INACCURATELY SHOWN ON THE PLANS.
5. REPAIR ANY DAMAGE TO EXISTING UTILITIES RESULTING FROM CONTRACTOR OPERATIONS IMMEDIATELY AT NO COST TO OWNER.
6. REPAIR ANY DAMAGE TO EXISTING SITE FEATURES SCHEDULED TO REMAIN RESULTING FROM CONTRACTOR OPERATIONS AT NO COST TO OWNER.
7. LOCATE ALL COMPONENTS OF ANY EXISTING IRRIGATION SYSTEMS PRIOR TO CONSTRUCTION AND PROTECT THROUGHOUT THE DURATION OF THE CONTRACT. REPAIR ALL DAMAGED COMPONENTS AT NO ADDITIONAL COST TO THE OWNER.
8. PROVIDE TEMPORARY FENCING TO PROTECT WORK AREAS.
9. INSTALL EROSION CONTROL MEASURES AS SHOWN ON THE EROSION AND SEDIMENT CONTROL PLAN PRIOR TO ANY GROUND DISTURBANCE.
10. DELINEATE THE LIMITS OF CLEARING AND REVIEW WITH THE OWNER PRIOR TO COMMENCING WORK.
11. NOTIFY OWNER AND ENGINEER IMMEDIATELY IN WRITING WHEN UNKNOWN STRUCTURES OR SUSPECTED HAZARDOUS OR CONTAMINATED MATERIALS ARE ENCOUNTERED PRIOR TO REMOVAL OR DISTURBANCE.
12. TAKE APPROPRIATE MEASURES TO PROTECT PEDESTRIANS AND VEHICULAR TRAFFIC DURING REMOVAL ACTIVITIES, AND PROVIDE TEMPORARY MEASURES FOR THE PROTECTION AND SAFETY OF THE PUBLIC UNTIL FINAL ACCEPTANCE BY THE OWNER.
13. BACKFILL ALL VOIDS RESULTING FROM THE REMOVAL OF EXISTING SITE FEATURES. BACKFILL TO BE SOIL, FREE OF ORGANIC MATERIAL, DEBRIS, TRASH, CLAY AND STONES LARGER THAN 4 INCHES.



CONSULTANTS:

[illegible]

"ALTERATION OF THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL IS ILLEGAL"			
DESIGNED BY: EPI	DRAWN BY: EPI	CHECKED BY: MRM	REVIEWED BY: 0
PROJECT No.: EAGB 2001	DATE: JUNE 2021	SCALE: 1" = 20'	

CLIENT

Town of East Greenbush

Third Avenue and Barrack Road Pump Station Upgrades



CONTRACT

CONTRACT G
GENERAL CONSTRUCTION

STATUS

90% SUBMISSION

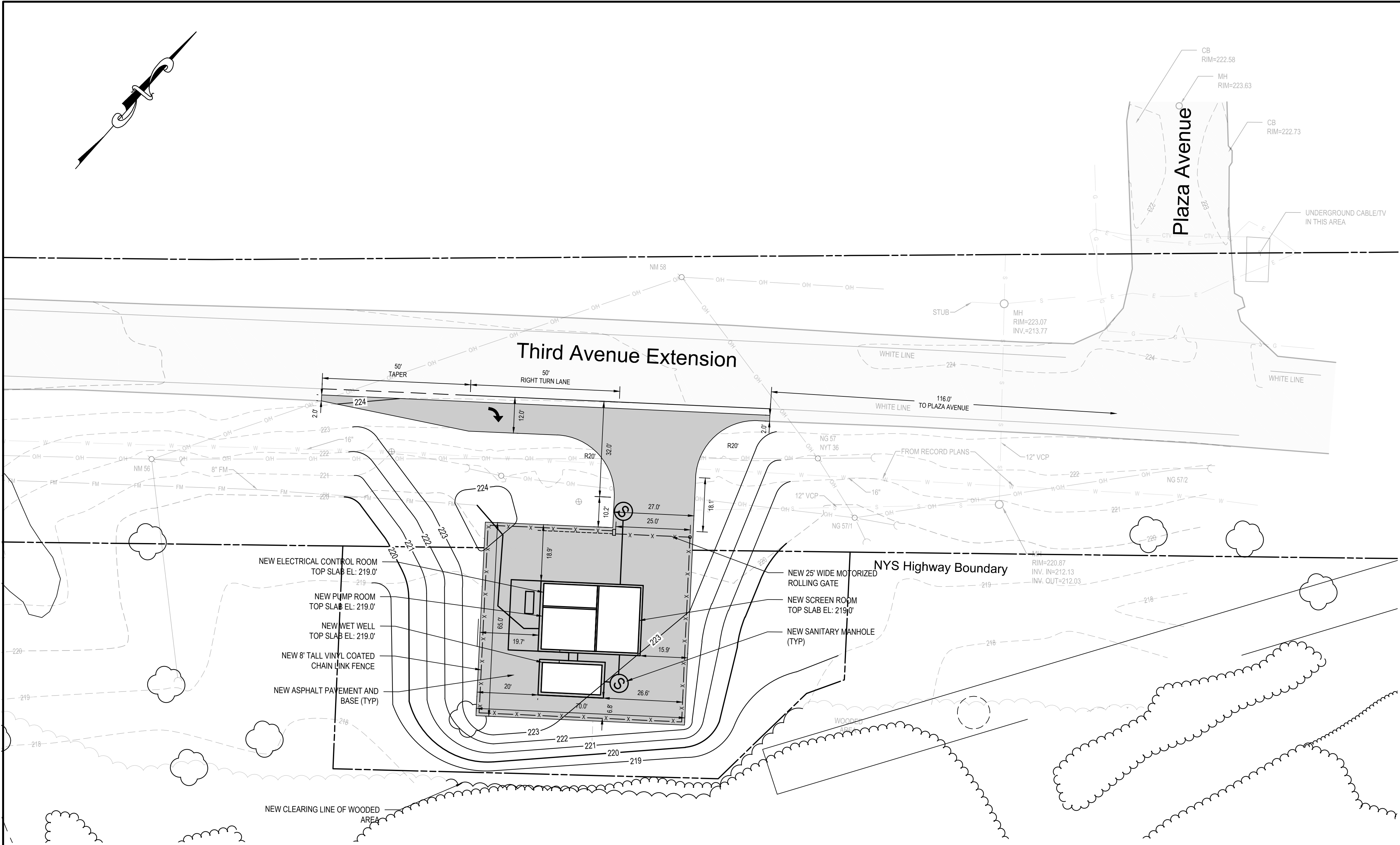
SHEET TITLE

THIRD AVENUE PUMP STATION EXISTING SITE CONDITIONS AND DEMOLITION SITE PLAN

DRAWING No.

CD 120.00

X:\EAGB\Town of East Greenbush\EA\CE2001\120.00 Third Avenue Pump Station - Site Improvements\Plan\Aug. Last Modified: Jun 21, 2021, 3:55pm - 1:34pm By: g

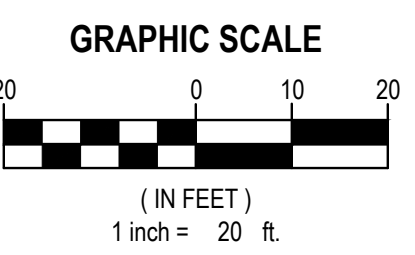


DIMENSIONAL SITE PLAN LEGEND

DESCRIPTION	SYMBOL
ASPHALT PAVEMENT	[Solid Grey Box]
CONCRETE PAVEMENT	[Stippled Box]
CHAIN LINK FENCE	[Line with 'X' markers]

GRADING AND DRAINAGE PLAN LEGEND

DESCRIPTION	SYMBOL
SPOT ELEVATION	+121.50
TOP AND BOTTOM CURB ELEVATION	TC140.00 BC139.50
MAJOR CONTOUR	240
MINOR CONTOUR	241
UTILITY MANHOLE	⊙ ⊖ ⊕ ⊗ ⊕
SANITARY LINE	S — S
SANITARY FORCEMAIN LINE	FM — FM



- GRADING AND DRAINAGE NOTES:**
- FOR NEW CONSTRUCTION THAT MEETS EXISTING CONDITIONS, ABUTTING SURFACES SHALL BE FLUSH AND ALIGNED.
 - THE CONTRACTOR SHALL CONFIRM INVERT ELEVATIONS OF ALL SANITARY CONNECTIONS PRIOR TO COMMENCING SITE DRAINAGE AND SANITARY CONSTRUCTION.
 - ADJUST ALL EXISTING CASTINGS AND VALVE COVERS TO MEET PROPOSED GRADE.
 - CONSTRUCTION DEBRIS AND EXCESS SOIL SHALL BE REMOVED AND LEGALLY DISPOSED OFF SITE.
 - UNSUITABLE SOILS ENCOUNTERED DURING CONSTRUCTION SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER IMMEDIATELY IN WRITING BEFORE REMOVAL OR DISTURBANCE.

- SITE PLAN NOTES:**
- INSPECT THE SITE PRIOR TO SUBMISSION OF BIDS AND MAKE NO ADDITIONAL CLAIMS REGARDING SITE CONDITIONS THEREAFTER.
 - NOTIFY THE OWNER AND H2M (TELEPHONE 631-756-8000) AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF THE WORK. THE SAME NOTICE SHALL BE REQUIRED WHEN RESUMING WORK AFTER ANY STOPPAGE OR DELAY.
 - COMPLETE ALL SURVEY AND STAKEOUT AS REQUIRED TO PROPERLY COMPLETE THE WORK.
 - PERFORM DAILY CLEANUP OPERATIONS INCLUDING REMOVAL OF DEBRIS AND EXCESS CONSTRUCTION MATERIAL, AND DRIVEWAY/STREET CLEANING TO THE SATISFACTION OF THE OWNER.
 - DURING ALL NON-WORKING HOURS, STORE ALL EQUIPMENT AND MATERIALS WITHIN AN AREA DESIGNATED BY THE OWNER AT THE PROJECT SITE.
 - ALL CURB DIMENSIONS SHOWN REFER TO THE FACE OF CURB.
 - ALL CONSTRUCTION TO CONFORM WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL CODE REQUIREMENTS.
 - COORDINATE CONSTRUCTION ACTIVITIES WITH OWNER TO MINIMIZE INTERRUPTION TO THE OWNER'S OPERATIONS.
 - RESTORE SURROUNDING AREAS DAMAGED OR DISTURBED DURING CONSTRUCTION. RESTORE TO NEW CONDITIONS AT NO ADDITIONAL COST TO THE OWNER.
 - RESTORE ALL DISTURBED GRASS AREAS AND ALL AREAS NOT SPECIFICALLY IDENTIFIED FOR OTHER IMPROVEMENTS WITH 4 INCHES OF TOPSOIL AND SEED.
 - REMOVE ALL ASPHALT FROM EXISTING CASTINGS.
 - SEAL ALL JOINTS BETWEEN NEW ASPHALT AND EXISTING ASPHALT WITH HOT ASPHALT CEMENT.

H2M

architects
+
engineers

538 Broad Hollow Road, 4th Floor East
Melville, NY 11747
631.756.8000 • www.h2m.com

CONSULTANTS:

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MARK	DATE	DESCRIPTION

"ALTERATION OF THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL IS ILLEGAL."

DESIGNED BY: EPI	DRAWN BY: EPI	CHECKED BY: MRM	REVIEWED BY:
PROJECT NO: EAGB 2001	DATE: JUNE 2021	SCALE: 1" = 20'	

CLIENT

Town of East Greenbush

Third Avenue and Barrack Road
Pump Station Upgrades

CONTRACT

**CONTRACT G
GENERAL CONSTRUCTION**

STATUS

90% SUBMISSION

SHEET TITLE

**THIRD AVENUE PUMP STATION
SITE IMPROVEMENTS PLAN**

DRAWING No.

C 120.00



RECEIVED

JUL 12 2021

The Town of East Greenbush

DEPT Zoning

Zoning Board of Appeals

225 Columbia Turnpike, Rensselaer, New York 12144

Phone: 518 694-4011

AREA VARIANCE APPLICATION

Section 1: Applicant/Property Owner Information:

Applicant:

Name: Jean-Pierre Alcindor

Address: 222 Tampa Ave

Phone #: 518-487-8480 Email Address: shadydolo@gmail.com

Signature of Applicant: Jean-Pierre Alcindor Date: 7/12/21

Property Owner (If not Applicant)

Name: _____

Address: _____

Phone #: _____ Email Address: _____

See Authorization page if Applicant and Property Owner are not the same

Section 2: Property Information:

Property Address/Location: 222 Tampa Ave, Rensselaer NY 12144

Tax Map #: 155.14-18-5 (*Obtain from Assessor's office*)

Section 3: Project Information:

Describe project & why a variance is necessary:

Proposal is to remove an existing (20x18) garage and construct a 24x24 Garage in the rear yard. The side setback required is 8 feet, proposed side setback is 5 ft. The required setback is 25 ft in the rear, proposed setback is 5 ft.

Indicate the Town Zoning Law Chapter/Section from which this variance application is being requested: This information can be found on the denial from the Building Dept.

Article: II Section: 2.5-1 Subsection: 06(A)

(R-2)

R-2 bulk & 2nd district

Additional code sections if they pertain: _____

Please complete the following table indicating all Area Variances needed, if a variance is not required for one or more, just put N/A.

	<u>Required per Code:</u>	<u>Requested Dimensions:</u>
Front Setback:	N/A	
Side Setback:	8 ft	5 ft.
Rear Setback:	25 ft.	5 ft.
Lot width/frontage:	N/A	
Height:	N/A	
Other:	N/A	

All applications must be submitted to the Planning/Zoning 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
3. Complete application package.
4. Application fee & certified mailing fees will be calculated and a fee letter will be sent to the applicant within a week of receiving a completed application package.

If you have any questions you can reach the Zoning secretary at alovely@eastgreenbush.org

For Official Use Only:

Appeal Number: 2021-10
Date Application Received: 7/12/2021
Tax Map Number: 155.14-18-5
Zoning District: R-2
Appeal Type: 2 Area Variances
Application/Certified Fee: \$447.72
Received:
Hearing Date: 8/10/2021
☐ Approved:
☐ With/without conditions:
☐ Denied:

FOR AN 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.

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.

To grant an Area Variance, the ZBA will must balance the benefits to the applicant and the health, safety and welfare of the neighborhood and community, taking into consideration the following factors. The ZBA must consider each of these factors, but no one factor is determinative and the weight to given to each of them will vary with the facts of each case.

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 the granting of the variance will produce an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the character of the neighborhood for the following reasons:

It will improve appearance. Current garage is falling apart.

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. Identify what alternatives to the variance have been explored (alternative designs etc.) and why they are not feasible:

Other designs ~~are~~ available are single car garages which isn't big enough for my growing family. We have 3 cars now. Having use of a 2 ^{garage} cars is better for space and keeping cars off the street.

3. Whether the requested area variance is substantial. The requested variance is not substantial for the following reasons:

Current setback is not feasible, 25 ft from back property line ~~will not be~~ reaches the house. Not a realistic distance with the size of the properties in ^{Hampton Manor}

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district. The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district for the following reasons:

It's a garage in the back of the house. Has no effect on anything or anyone.

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. Explain whether the alleged difficulty was or was not self-created:

The present garage damaged and falling apart. The newer, bigger garage will look better for neighborhood and add space for my growing family.


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			
Garage build (24x24)			
Name of Action or Project:			
222 Tampa Ave, Rensselaer NY 12144			
Project Location (describe, and attach a location map):			
<div style="text-align: center;">  </div>			
Brief Description of Proposed Action:			
Build a 24x24 garage. Remove existing 20x18			
Name of Applicant or Sponsor:		Telephone: 518-487-8480	
Jean-Pierre Alcindor		E-Mail:	
Address:			
222 Tampa Ave, Rensselaer NY 12144			
City/PO:		State:	Zip Code:
Rensselaer		NY	12144
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO YES
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.			<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO YES
If Yes, list agency(s) name and permit or approval:			<input checked="" type="checkbox"/> <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input checked="" type="checkbox"/>	<input 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	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input 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>Jean-Pierre Alcindor</u> Date: <u>7/12/21</u>		
Signature: <u>Jean-Pierre Alcindor</u> Title: <u>MR.</u>		



The Town of East Greenbush

Building Department

225 Columbia Turnpike Rensselaer, New York 12144 (518) 477-6225 FAX (518) 477-2386
Building, Zoning and Fire Prevention

June 29, 2021

Mr. Jean Pierre Alcindor
222 Tampa Avenue
Rensselaer, NY 12144

RE: PERMIT APPLICATION

Tax Map # 155.14-18-5

Dear Mr. Alcindor,

On June 21, 2021 you submitted an application for work at the above property involving: **Proposal to remove an existing garage and construct 24' x 24' garage in the rear yard.** The property is located in an area, which is zoned: **R-2.**

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(s) II 2.5.1 D 06 (a) Area and Bulk Standards and 2.6.6 Residence District (R-2).** The required rear setback is 25 feet and the proposed garage leaves a rear setback of 5 feet. The required side setback is 8 feet and the proposed garage leaves a side setback of 5 feet. The proposed action requires (2) **Area Variance(s).**

Therefore, your application of June 21, 2021 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 Department, 225 Columbia Turnpike. (518) 694-4011.

Sincerely,

Kevin Hitchcock
Building Inspector

Cc: Zoning Board of Appeals



RECEIVED

JUN 21 2021

EAST GREENBUSH
BUILDING DEPT.

TOWN OF EAST GREENBUSH – RENSSELAER COUNTY

225 Columbia Turnpike Rensselaer, NY 12144

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

www.eastgreenbush.org

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

BUILDING DEPT. APPLICATION FORM
24-HR. NOTICE FOR INSPECTIONS

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: Jean-Pierre Alcindor Phone #/Cell# 518-487-8480
 E-MAIL: shadydolo@gmail.com
 Property Location: 222 Tampa Ave, Rensselaer NY SBL #: _____

Name of Person/Business Responsible for work: Stofftus Structures Phone # 610-593-7700
 E-MAIL: _____

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: \$ 40k**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:** Old garage (A) is being removed and new garage (B) is being built at a new location.

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: Jean Pierre Alcindor Jr. DATE: 6/21/21

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.



A - Old garage
B - Proposed new garage

5' from rear property line.
5' from side property line
12' from house
33' from other side property line.

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

August 10, 2021

MEMO:

In regards to Appeal #2021-07: Krug- Application for 2 Area Variances, 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:
John/Sherri Krug
For 2 Area Variances

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

Appeal No. 2021-07

Whereas, An application has been filed by John/Sherri Krug of 14 Connecticut Avenue Rensselaer, NY, 12144. The applicant proposes to construct a 30' x 30' garage in the rear yard with a 8' rear setback and 6' from the principle building. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section(s) 2.6.6 Residential Zone Area and Bulk Schedule requires a rear setback of 25 feet & Section 2.5 Subsection 2.5.1 D) 5b requires the accessory structure to be 13.5 feet from the principle building; and

Whereas, The applicant has filed an application requesting 2 Area Variances at the property located at 14 Connecticut Avenue East Greenbush, NY (Tax Map No. 155.9-15-11); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on July 30, 2021; 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, August 10, 2021 to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its July 28, 2021 meeting provided a report of the requested 2 Area Variances with a positive 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 the proposal to construct a 30' x 30' garage in the rear yard with a 8' rear setback be _____ with/without conditions.

- 1.
- 2.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on August 10, 2021.

(Discussion)

A vote was taken as follows:

Tom Hickey	_____
Matt Ostiguy	_____
Jeff Pangburn	_____
Bob Seward III	_____
Scot Strevell	_____

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2021

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

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 the proposal to construct a 30' x 30' garage in the rear yard 6' from the principal building be _____ with/without conditions.

- 1.
- 2.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on August 10, 2021.

(Discussion)

A vote was taken as follows:

Tom Hickey	_____
Matt Ostiguy	_____
Jeff Pangburn	_____
Bob Seward III	_____
Scot Strevell	_____

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2021

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

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
The Town of East Greenbush
For 2 Area Variances

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

Appeal No. 2021-09

Whereas, An application has been filed by the Town of East Greenbush of 225 Columbia Turnpike Rensselaer, NY, 12144. The applicant proposes a minor two lot subdivision in order for the Town to acquire approximately 0.28 acres of land with 170.14' of frontage to construct upgrades to a Town owned sanitary sewer pump station. The proposed subdivision will not comply with the following provisions of the Town Zoning Law: Section 2.7.5 Corporate Office/Regional Commercial District (OC) Area and Bulk Schedule requires a minimum lot area of 5 acres & minimum frontage of 400 feet; and

Whereas, The applicant has filed an application requesting 2 Area Variances at the property located on Third Avenue Extension East Greenbush, NY (Tax Map No. 144.-3-6.11); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on July 30, 2021; 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, August 10, 2021 to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its July 28, 2021 meeting provided a report of the requested 2 Area Variances with a positive 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, on April 21, 2021, the Town Board initiated a coordinated review in accordance with SEQRA in connection with the proposed Third Avenue and Barracks Road Pump Station Upgrade Project (the "Pump Stations Upgrade"); and

Whereas, the Town Board, upon completion of the coordinated review as required by 6 NYCRR Part 617, declared itself lead agency under SEQRA and re-affirmed the classification of the action as an unlisted action in accordance with 6NYCRR Part 617; and

Whereas, the Town Board determined that the Project is consistent with the November 20, 2018 amended statement of findings the Town Board issued for the Regeneron Pharmaceuticals, Inc. Tempel Lane Campus development, and that the project will not have any significant adverse effects on the environment and that a negative declaration, pursuant to Part 3 of the SEAF, was adopted June 16, 2021 (163-2021); and

Whereas, the Board of Appeals has carefully reviewed the development proposal, including a land development application form, proposed minor subdivision plat, a SEAF Part 1, and related reports and studies for this project, including the Town Board's June 16, 2021 SEQRA determination, in accordance with Title 8 of the Environmental Conservation Law and 6NYCRR Part 617 for potential significant adverse environmental impacts as a result of the action; and

Now, therefore be it

Resolved, that based on the environmental assessment and review, the Board of Appeals affirms that the Project is part of the Pump Stations Upgrade action, for which the Town Board, as SEQRA lead agency issued a negative declaration on June 16, 2021, and hereby finds that the Project will not have any significant adverse effects on the environment, and that the Project is consistent with the Town Board's previously-issued negative declaration; and

Be it further

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 the proposal of a minor subdivision with a lot size of 0.28 acres be _____ with/without conditions.

1.

2.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on August 10, 2021.

(Discussion)

A vote was taken as follows:

Tom Hickey	_____
Matt Ostiguy	_____
Jeff Pangburn	_____
Bob Seward III	_____
Scot Strevell	_____

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2021

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

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 the proposal of a minor subdivision with 170.14' of frontage be _____ with/without conditions.

1.

2.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on August 10, 2021.

(Discussion)

A vote was taken as follows:

Tom Hickey	_____
Matt Ostiguy	_____
Jeff Pangburn	_____
Bob Seward III	_____
Scot Strevell	_____

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2021

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

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

August 10, 2021

MEMO:

In regards to Appeal #2021-10: Alcindor- Application for 2 Area Variances, 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:
Jean-Pierre Alcindor
For 2 Area Variances

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

Appeal No. 2021-10

Whereas, An application has been filed by Jean-Pierre Alcindor of 222 Tampa Avenue Rensselaer, NY, 12144. The applicant proposes to remove an existing garage & construct a 24' x 24' garage in the rear yard with a 5' rear setback & 5' side setback. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section(s) II, Sub-section 2.5.1 D) 06 (a) Residential Zone Area and Bulk Schedule requires a rear setback of 25 feet & Section 2.6.6 Residential District (R-2) requires a side setback of 8 feet; and

Whereas, The applicant has filed an application requesting 2 Area Variances at the property located at 222 Tampa Avenue East Greenbush, NY (Tax Map No. 155.14-18-5); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on July 30, 2021; 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, August 10, 2021 to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its July 28, 2021 meeting provided a report of the requested 2 Area Variances with a positive 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 the proposal to construct a 24' x 24' garage in the rear yard with a 5' rear setback be Granted/Denied with/without conditions.

- 1.
- 2.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on August 10, 2021.

(Discussion)

A vote was taken as follows:

Tom Hickey	_____
Matt Ostiguy	_____
Jeff Pangburn	_____
Bob Seward III	_____
Scot Strevell	_____

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2021

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

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 the proposal to construct a 24' x 24' garage in the rear yard with a 5' side setback be Granted/Denied with/without conditions.

- 1.
- 2.

This resolution was moved by _____ and seconded by _____ at a meeting duly held on August 10, 2021.

(Discussion)

A vote was taken as follows:

Tom Hickey	_____
Matt Ostiguy	_____
Jeff Pangburn	_____
Bob Seward III	_____
Scot Strevell	_____

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2021

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