

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

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## MEETING AGENDA

TUESDAY, MAY 10, 2022 7:30PM

**\*Meeting to be held in the Town  
Hall Community Room\***

### **7:30 PM CALL TO ORDER**

### **PUBLIC HEARINGS:**

ZBA Appeal #2022-02-Stafford -458 Luther Road-Area Variance-Side Setback for  
Garage

### **SEQR DETERMINATION & RECOMMENDATION:**

ZBA Appeal #2022-02-Stafford -458 Luther Road-Area Variance-Side Setback for  
Garage

### **WORKSHOP/DELIBERATION:**

ZBA Appeal #2022-02-Stafford -458 Luther Road-Area Variance-Side Setback for  
Garage

### **NEXT MEETING:**

May 24, 2022

### **APPROVAL OF MINUTES:**

April 12, 2022



RECEIVED

MAR 26 2022

DEPT F20

## *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: KAREN (WALTERMIRE) STAFFORD

Address: 458 LUTHER ROAD, EAST GREENBUSH

Phone #: 609.972.5056 Email Address: KarenWStafford@gmail.com

Signature of Applicant: Karen A Stafford Date: 3/26/22

##### **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: 458 LUTHER ROAD

Tax Map #: 382400 | 167-4-12 (\*Obtain from Assessor's office\*)  
167-4-15.2

#### **Section 3: Project Information:**

##### **Describe project & why a variance is necessary:**

WE SEEK TO REBUILD A SMALL GARAGE THAT HAD BEEN DAMAGED w/  
TIME + ULTIMATELY TREE BRANCH FELL ON ROOF. IT WAS TO BE  
REPAIRED, BUT WE TOOK IT DOWN BECAUSE IT WAS A SAFETY HAZZARD  
BUILDING SIZE 19' X 19' - IN ORIGINAL FOOTPRINT. DISTANCE TO  
SIDE LOT 3.6 FEET. - SECTION 2.6.2 E AREA & BULK SCHEDULE.

**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. or on the resolution from the Planning Board.**

November 15, 2021

\* LETTER FROM KEVIN HITCHCOCK ATTACHED - DENIAL 10/5/20

Article: \_\_\_\_\_ Section: 26.2E 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:		83.5
Side Setback:	50'	3.6 → 3.8 *
Rear Setback:		102.5
Lot width/frontage:		373.7
Height:		12' MAX
Other:		

**All applications must be submitted to the Planning/Zoning Department with:**

1. Determination by Zoning Enforcement Officer (given to applicant by Building Department), not necessary if referred by the Planning Board and
2. Survey Map or Plot Plan, Site Plan, Sketch, and/or Other Descriptive Detail
3. Complete application package.
4. Application fees are: \$150 for the initial area variance & \$75 for each additional area variance. 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 with the total amount due.
5. A public hearing will be scheduled once the fee and completed application is received and is usually 30-45 days out.

If you have any questions you can reach the Zoning secretary at [alovely@eastgreenbush.org](mailto:alovely@eastgreenbush.org)

**For Official Use Only:**

Appeal Number: 2022-02  
Date Application Received: 3/26/2022  
Tax Map Number: 167.-4-12  
Zoning District: R-OS  
Appeal Type: Area Variance  
Application/Certified Fee: \$230.63  
Received: 4/8/2022  
Hearing Date: May 10, 2022  
☐ 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." (Ratherkopf, The Law of Planning and Zoning, (4<sup>th</sup> 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:

### APPLICANT NEEDS TO ANSWER THE FOLLOWING:

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:

GARAGE WAS ON THIS SPOT SINCE 1934. ONLY ONE  
NEIGHBORING PROPERTY IS AFFECTED & A LETTER OF  
APPROVAL IS ATTACHED. PRIOR GARAGE WAS AN  
EYESORE & NEW BUILDING WILL MATCH HOUSE & WILL COMPLETE  
PRIOR PROPERTY RENOVATION.

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:

CONSIDERATION FOR GARAGE IN OTHER AREA WOULD NOT BE  
EASILY ACCESSED FROM HOUSE AS THERE IS NO DOOR ON THE  
NORTH OR EAST SIDES OF HOME. WE ARE OLDER & SEEK TO  
KEEP WALKING ON ICE/SNOW FROM CAR TO HOUSE AT A  
MINIMUM

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

N/A

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:

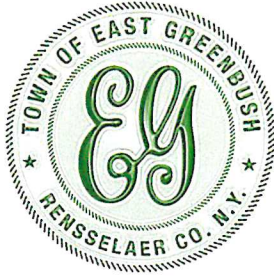
• GARAGE EXISTED THERE FOR @ 30 YEARS

• NO CHEMICALS OR TOXINS WILL BE STORED

• HEIGHT OF BUILDING TO REMAIN LOW SO THAT NO  
IMPEDIMENT OF VIEWS TO NEIGHBORS.

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:

NOT SELF-CREATED — THIS WAS MY GRANDPARENTS' HOME  
AND WAS IN GREAT DISREPAIR WHEN I PURCHASED IT FROM  
MY MOTHER, DOROTHY WALTERMIRE. I HAVE SLOWLY BEEN REPAIRING  
HOME AND LAND. REPAIR TO GARAGE WAS PLANNED, HOWEVER  
TREE DAMAGE FROM WINTER STORM MADE STRUCTURE  
UNSAFE & SO IT WAS TAKEN DOWN. THIS EXPOSED NEED →



# *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

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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>.

# 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.

<b>Part 1 – Project and Sponsor Information</b>			
KAREN (WALTERMIRE) STAFFORD			
Name of Action or Project: REBUILD GARAGE			
Project Location (describe, and attach a location map): 458 LUTHER ROAD, EAST GREENBUSH – TAX MAP 167-4-12			
Brief Description of Proposed Action: REBUILD OF PRE-EXISTING 19'x19' GARAGE ON SAME SPOT, SAME FOOTPRINT. FINISHED BUILDING TO MATCH EXISTING HOME. LONG TERM PLAN TO LIVE IN EAST GREENBUSH YEAR-ROUND.			
Name of Applicant or Sponsor: KAREN STAFFORD		Telephone: 609.972.5056	
		E-Mail: karen.w.stafford@gmail.com	
Address: 162 LEE LANE (WINTER ADDRESS)			
City/PO: CAPE MAY COURTHOUSE		State: N.J.	Zip Code: 08210
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?		5.59 acres	
b. Total acreage to be physically disturbed?		0.009 acres 400 SQ FT	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		15.44 acres (5.59 + 9.85)	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" 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 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 type="checkbox"/>	<input checked="" 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: <u>NONE NEEDED</u> _____	<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	
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	
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"/>
_____		
_____		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>KAREN (WALTERMIRE) STAFFORD</u> Date: <u>3/23/22</u> Signature: <u>Karen A Stafford</u> Title: <u>owner of property</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***

March 30, 2022

Karen Stafford  
458 Luther Road  
East Greenbush, NY 12061

RE: Permit Application- **REVISED**  
458 Luther Road  
Tax Map # 167.-4-12

Dear Ms. Stafford,

On March 25, 2022 you submitted an application for work at the above property involving: **Proposal to reconstruct a 19' x 19' garage**. The property is located in an area, which is zoned: **R-OS**.

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: **The existing garage was demolished and the foundation is unserviceable. Section 2.6.2E Area and Bulk Schedule The required side setback in the R-OS Zone is 50 feet. The proposed garage leaves a distance of 3.6 feet to the side lot line. The proposed action requires (1) Area Variance.**

Therefore, your application of March 25, 2022 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

TOWN OF EAST GREENBUSH  
COUNTY OF RENSSELAER  
225 Columbia Turnpike Rensselaer, NY 12144  
Office (518) 477-6225 Fax (518) 477-2386  
www.eastgreenbush.org  
Email: egcodes@eastgreenbush.org

For office use only

Application No.: \_\_\_\_\_

Permit Issued: \_\_\_\_\_

Permit Expires: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Fee: \$ \_\_\_\_\_

Approved by: \_\_\_\_\_

**BUILDING DEPARTMENT APPLICATION FORM**  
**24 HOUR NOTICE FOR INSPECTIONS**

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: KAREN STAFFORD

Property Location: 458 LUTHER ROAD, EAST GREENBUSH

Contractor: SELF Phone #: \_\_\_\_\_

Phone #/Cell# 609.972.5056  
E-MAIL: Karen W Stafford @ gmail.com

SBL # \_\_\_\_\_  
Email: \_\_\_\_\_

**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 document.

Estimated Value of Work: \$ \_\_\_\_\_

**NATURE OF PROPOSED WORK**

- ☒ 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 ☐ In-ground  
Size: \_\_\_\_\_ x \_\_\_\_\_ Depth \_\_\_\_\_  
☐ Driveways – New Resurface Expansion  
☐ Shed – Size \_\_\_\_\_ x \_\_\_\_\_ - Total s/f \_\_\_\_\_  
☐ Roof ☐ 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.**

**When required submit stamped plans in duplicate. 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.**

**CALL BEFORE YOU DIG: digsafelynewyork.com, dial 811**

**PERMIT FEES ARE NON - REFUNDABLE**

**\*NOTE AREA - ADDITIONAL INFORMATION:** REBUILD OF PRE-EXISTING 19'x19' 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.

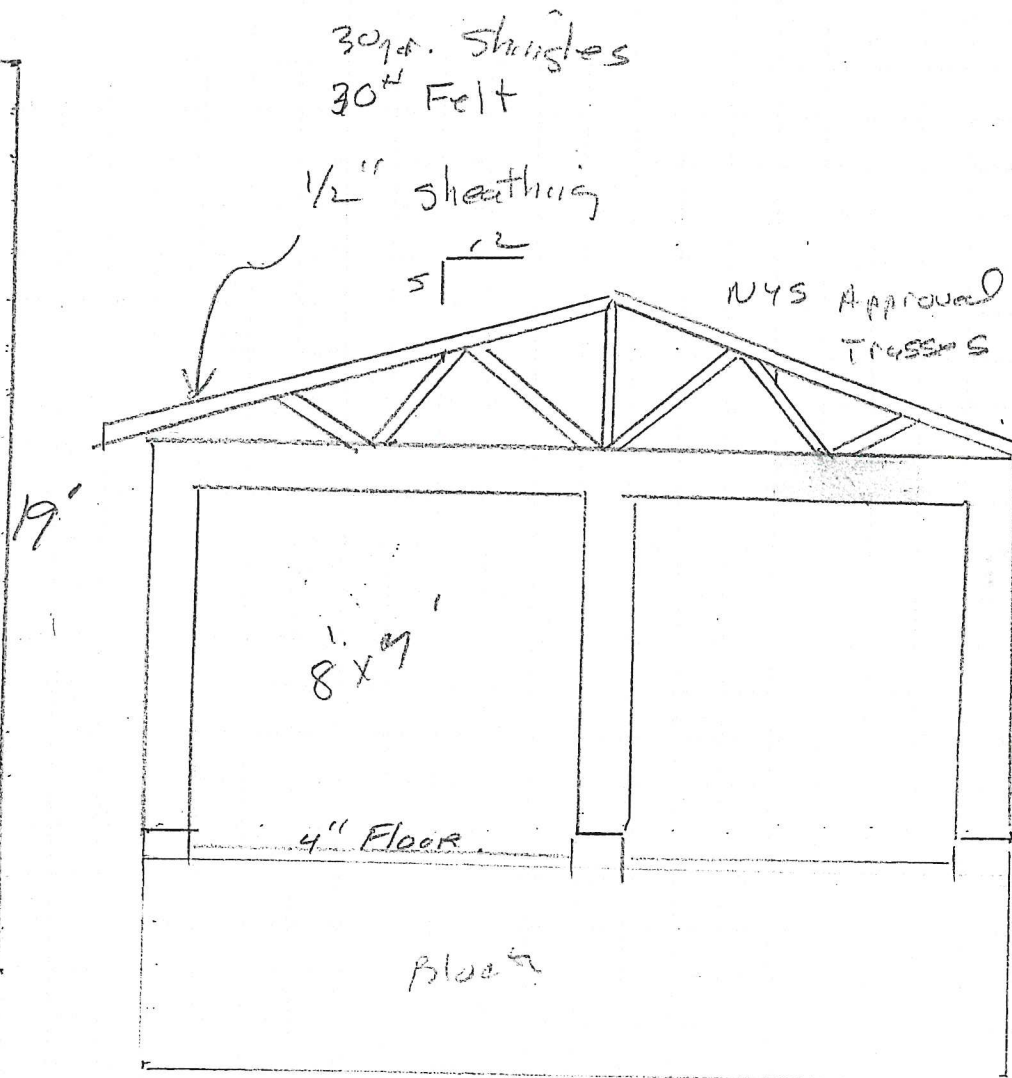
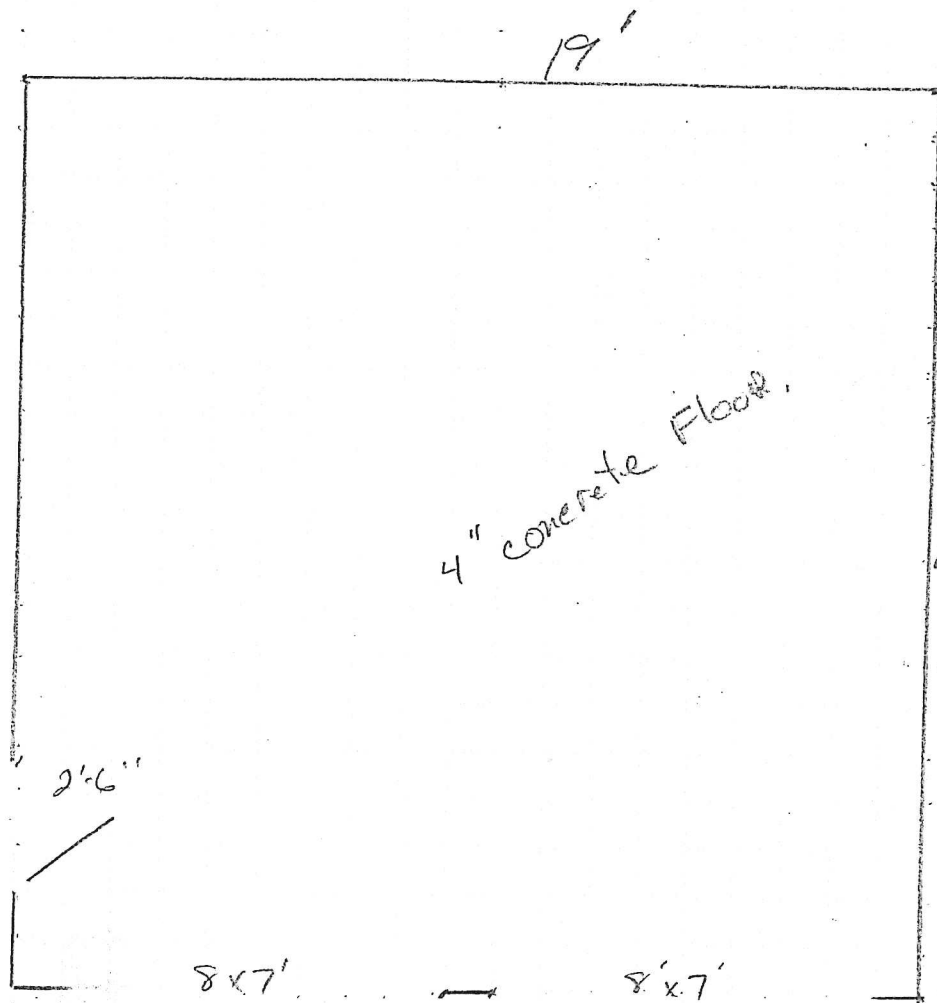
**SIGNATURE:** Karen A Stafford

**DATE:** 3/25/22

**SPECIAL CONDITIONS OF THE PERMIT:** \_\_\_\_\_

**BY:** \_\_\_\_\_

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



6/8/18, Indicates  
Bertha A. Hamm,  
almshouse On Her

6/8/18, Indicates  
Bertha A. Hamm,  
almshouse On Her

Survey —  
Construction Of The  
Dated June 12, 1934

Survey Baseline

Luther Road

### Iron Pipe Found

Bc  
See

Lands N/F  
Julia H. Lake  
Book 596, Page 330

PROPOSED  
REBUILD

Wood Frame  
Garage  
Circa 1937  
Construction  
Poor Condition

1 Story  
Wood Frame  
Dwelling

Construction  
Poor Condition

308' ± Map Ref. #2  
298.46' Survey

308' ± Map Ref. #2  
008 46' Survey

Capped Iron  
Red Set

 $170 + 00$ 

**Unauthorized al  
map bearing a li  
violation of Sect  
New York State  
"Only copies fr**



PHOTO #3

LOT 1  
Lands N/F  
Andrew D. Paulson  
See Map Reference #4

Lands N/F  
Phillip Whitney  
And  
Marjorie Whitney  
Book 1220, Page 31  
See Map Reference #3

Lands N/F  
Julia H. Lake  
Book 596, Page 330

Lands Of  
Karen A. Stafford  
Area = 5.59± Acres

Of Karen Stafford, 6/8/18, Indicates  
Fence Was Used By Bertha A. Hamm,  
Mother, To Corral Animals On Her

Signs  
Actively  
Line

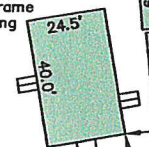


Concrete Highway  
Monument Found



1 Story  
Wood Frame  
Dwelling

Wood Frame  
Garage  
Circa 1937  
Construction  
Poor Condition



24.5'

40.0'

40.3'

31.1'

3.6'±

3.8'±

298.46' Survey

308' ± Map Ref. #2

Capped Iron  
Rod Set

170+00

171+00

172+00

173+00

174+00

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PHOTO #1



PHOTO #2



PHOTO #3

**NOTES:**

1. This survey was prepared for the sole purpose of reporting the actual field conditions of the subject real property for the exclusive use of Karen A. Stafford and SHALL NOT BE USED FOR ANY OTHER PURPOSE BEYOND SAID SAME, to include a mortgage title insurance policy, fee title insurance policy, survey or owner's affidavit, remortgaging/refinancing, foreclosure, public auction, any future transfer of title, or any other use of said survey, unauthorized by law and/or by contract with the surveyor which use shall invalidate the certification and BE IN DIRECT VIOLATION OF THE CONTRACT WITH THE CLIENT.

Certifications indicated hereon signify that the plat was prepared from an actual field survey conducted in accordance with the standards set forth in the Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, as last revised on July 18, 1997.

This survey and the certification hereon shall be valid only to the party or parties hereon named and are not transferable to additional institutions or subsequent owners, other than as may be or expressly stated hereon.

2. No current Abstract of Title or Title Report provided. This survey is subject to any statement of facts that a current Abstract of Title or Title Report may disclose.

3. No search of the public record was made for easements, agreements or restrictions that may affect the surveyed parcel. An Abstract of Title is recommended to ascertain what easements, agreements or restrictions that may affect the survey parcel.

4. Subject to any subsurface condition, improvement, and/or encroachment, not evident by surface inspection.

5. Survey excepts the location of any possible prescriptive easement by others, unless specifically noted hereon.

6. Unless specifically stated the surveyor is not responsible for identifying features which are under the jurisdiction of governmental agencies, including but not limited to: designated wetlands, flood plains, floodways, dumps, landfills, hazardous waste sites, protected or endangered flora and fauna, archeological, historical, cultural, etc. It is also not the surveyors responsibility to determine if the present use of the parcel or the location of existing structures conform to the current local zoning ordinance or if said uses or locations conform to the zoning ordinance in effect at the time of construction or occupancy.

7. Deed Of Record Book 309, page 1718.

**MAP REFERENCES:**

- "Map Showing Parcel of Land to be conveyed by Mary Ellen & Lawrence Glander to Earl & Dorothy Waltermire" dated August 17, 1968 prepared by Eric B. Gardell. Map not of the Public Record.
- "Portion Of Lands Of Mrs. Ryan Into Parcel A,B,C and Retained Parcel", dated May 31, 1956, prepared by Ralph Champagne and filed in the Rensselaer County Clerk's Office in Drawer 42, Map 8A.
- "Map Showing Property To Be Conveyed By Paul & Hilda Vogel To Philip R. & Marjorie L. Whitney", dated May 12, 1970, and prepared by Eric B. Gardell. Map not of the Public Record.
- "Plat Of 2 Lot Minor Subdivision Of The lands Of Dorothy G. Waltermire", dated Jan. 2, 2018 and last revised 2/19/2018, prepared by RDM Surveying Consultants, and filed in the Rensselaer County Clerk's Office in Drawer 2018 as Map 31.

**CERTIFIED TO:**

- Karen A. Stafford

PDF COPY – NOT AN ORIGINAL COPY

**NOTE:**  
Copyright 2018 RDM Surveying Consultants  
"All Rights Reserved" and "Unauthorized duplication is a violation of applicable laws."

**OWNER'S LAND TITLE SURVEY  
OF THE LANDS  
OF  
KAREN A. STAFFORD**

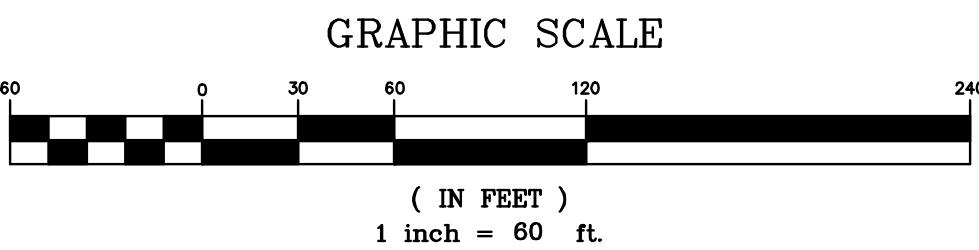
TOWN: EAST GREENBUSH COUNTY: RENSSELAER

STATE: NEW YORK SURVEY: MAY 9, 2018

SCALE: 1" = 60' MAP: MAY 14, 2014

PROJECT NO. 940-680-2018-3079

**RDM**  
SURVEYING CONSULTANTS  
8 Grange Road Troy, N.Y. 12180  
RDMsurveying.net (518) 279-3425  
Rmichael@RDMsurveying.net FAX: 279-3028



DATE	RECORD OF WORK	DRAWN	APPR.
5/14/18	Prepared For Karen Stafford	WWJR	RDM

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7709, sub-division 2, of the New York State Education Law.

"Only copies from the original of this survey marked with an original of the land surveyor's sealed seal or his embossed seal shall be considered to be valid true copies."

Only copies from original of this survey marked with an original of the land surveyor's signature in RED shall be considered to be valid copies.

ORIGINAL DOCUMENT IF IN RED

# TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

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**May 10, 2022**

## **MEMO:**

In regards to Appeal #2022-02: Stafford - Application for 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:  
Karen Stafford  
For an Area Variance

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

**Appeal No. 2022-02**

**Whereas**, An application has been filed by Karen Stafford of 162 Lee Lane Cape May Court House, NJ, 08210. The applicant proposes to reconstruct a 19' x 19' garage in the side yard with a 3.6' side setback. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section 2.6.2 E Area & Bulk Schedule, the R-OS Zoning District requires a side setback of 50 feet; and

**Whereas**, The applicant has filed an application requesting an Area Variance at the property located at 458 Luther Road East Greenbush, NY (Tax Map No. 167.-4-12); and

**Whereas**, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on April 28, 2022; 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, May 10, 2022 to consider this appeal; and

**Whereas**, The Planning Board of the Town of East Greenbush at its April 27, 2022 meeting provided a report of the requested Area Variance 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 the reconstruction of a 19' x 19' garage in the side yard with a 3.6' side setback be \_\_\_\_\_ **(GRANTED/DENIED)** with \_\_\_\_ **(NO)** condition(s):

This resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ at a meeting duly held on May 10, 2022.

*(Discussion)*

A vote was taken as follows:

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

**TOWN OF EAST GREENBUSH  
BOARD OF APPEALS**

By: \_\_\_\_\_  
Jeff Pangburn, Chairperson

Dated: \_\_\_\_\_, 2022

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

Copy To:

Karen Stafford  
162 Lee Lane  
Cape May Court House, NJ 08210

Cc: Rensselaer County Planning (Via Email)  
Town Clerk (Via Email)  
Building Inspector (Via Email)  
Assessor (Via Email)  
ZBA File No. 2022-02