

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, SEPTEMBER 13, 2022 7:30PM

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

Note: ZBA Appeal #2022-07-Bank of Greene County -164 Columbia Turnpike has been postponed to September 27, 2022 at the request of the applicant.

7:30 PM CALL TO ORDER

PUBLIC HEARINGS:

ZBA Appeal #2022-06-Lombardi -15 Bruen Court- Area Variance-Side Setback for Garage
~~ZBA Appeal #2022-07-Bank of Greene County -164 Columbia Turnpike -2 Area Variances-
Front Setback & Building Height~~

SEQR DETERMINATION & RECOMMENDATION:

ZBA Appeal #2022-06-Lombardi -15 Bruen Court- Area Variance-Side Setback for Garage
~~ZBA Appeal #2022-07-Bank of Greene County -164 Columbia Turnpike -2 Area Variances-
Front Setback & Building Height~~

WORKSHOP/DELIBERATION:

ZBA Appeal #2022-06-Lombardi -15 Bruen Court- Area Variance-Side Setback for Garage
~~ZBA Appeal #2022-07-Bank of Greene County -164 Columbia Turnpike -2 Area Variances-
Front Setback & Building Height~~

NEXT MEETING:

September 27, 2022

APPROVAL OF MINUTES:

July 26, 2022

TOWN OF EAST GREENBUSH ZONING BOARD OF APPEALS

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

September 13, 2022

MEMO:

In regards to Appeal #2022-06: Lombardi - 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:
Louis & Justine Lombardi
For an Area Variance

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

Appeal No. 2022-06

Whereas, An application has been filed by Louis & Justine Lombardi of 15 Bruen Court Rensselaer, NY, 12144. The applicant proposes to construct a 20' x 24' garage in the rear yard with a 3 foot side setback. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section 2.6.6 E Area and Bulk Schedule. The side setback in the R-2 Zone is 8 feet. The proposed garage leaves a side setback of 3 feet; and

Whereas, The applicant has filed an application requesting an Area Variance at the property located at 15 Bruen Court East Greenbush, NY (Tax Map No. 155.9-1-17); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on August 12, 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, September 13, 2022 to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its August 10, 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 construction of a 20' x 24' garage in the rear yard with a 3 foot side setback be _____ **(GRANTED/DENIED)** with ____ **(NO)** condition(s):

This resolution was moved by _____ and seconded by _____ at a meeting duly held on September 13, 2022.

(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: _____, 2022

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

Copy To:

Louis & Justine Lombardi
15 Bruen Court
Rensselaer, NY 12144

Cc: Rensselaer County Planning (Via Email)
Town Clerk (Via Email)
Building Inspector (Via Email)
Assessor (Via Email)
ZBA File No. 2022-06

NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of East Greenbush will hold a public hearing on August 23, 2022 at the Town Hall 225 Columbia Turnpike Rensselaer NY beginning at 7:30 P.M. to consider the following application:

Appeal number # 2022-06 the appeal of Louis & Justine Lombardi of 15 Bruen Court Rensselaer, NY 12144. The applicant proposes to construct a 20' x 24' garage in the rear yard with a 3 foot side setback. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section 2.6.6 E Area and Bulk Schedule. The required side setback in the R-2 Zone is 8 feet. The proposed garage leaves a side setback of 3 feet. Therefore the proposed action requires an Area Variance for the property located at 15 Bruen Court, East Greenbush NY. Tax Map # 155.9-1-17

Any interested party may comment in person at the hearing. Written comment may be submitted to the Zoning Board of Appeals, Town of East Greenbush, 225 Columbia Turnpike, Rensselaer, New York 12144 at any time prior to the hearing.

BY ORDER OF THE ZONING BOARD OF APPEALS

DATED AUGUST 10, 2022

JEFF PANGBURN, CHAIRMAN

ZONING BOARD OF APPEALS

TOWN OF EAST GREENBUSH

FOR ADDITIONAL INFORMATION REGARDING THIS ACTION CALL THE EAST GREENBUSH ZONING DEPARTMENT AT 694-4011.



The Town of East Greenbush

225 Columbia Turnpike
Rensselaer, NY 12144
518 694-4011
518 477-2386 FAX

Memorandum

Date: August 11, 2022

To: Jeff Pangburn, ZBA Chair

From: Alison Lovely on behalf of Chairman Mastin

Re: Planning Board Recommendation

Comments:

The following recommendation is from the draft August 10, 2022 Planning Board Minutes.

ZBA Appeal #2022-06-Lombardi-15 Bruen Court-Area Variance-Garage- Report by Chris Horne

After some discussion from the Board, the following motion was made.

A motion was made by Chairman Mastin as follows: **The Planning Board makes a positive recommendation from a Planning perspective based on Chris Horne's excellent report & forwards this recommendation & report to the Zoning Board. * See attached report for further details.**

Seconded by Don Panton & roll called as follows:

**M. Mastin-YES; K. Bergmann-YES; C. Horne-YES; R. Viola-YES; D. Panton-YES;
J. Conway-YES.**

MOTION CARRIED BY A 6-0 VOTE

**Town of East Greenbush Planning Board Recommendation to Zoning Board of Appeals
Request for Area Variance – Side setback for a replacement garage
ZBA Appeal #: 2022-06**

Date Submitted: Aug 10, 2022

Prepared by: Chris Horne

Site Address: 15 Bruen Ct

Applicant/Property Owner: Louis Lombardi

Current Zoning: R-2

Reason for Area Variance:

The applicant wishes to build a garage, using the same footprint/driveway alignment of the previously existing garage, which was torn down before he bought the property. Town Code section 2.6.6 Residential District requires accessory structures larger than 120 sf maintain a side setback of 8 feet. The proposed garage location, using the existing footprint/driveway alignment, would leave a setback of 3 feet.

Project Description

The proposed garage is positioned on a long, narrow lot. The side lot in question abuts to a thick screen of brush and trees, and then a large commercial parking lot (for the Asian Tea House).

If the garage had an 8 foot setback, it would take up a much larger portion of the back yard and require the driveway to be redone with a zig-zag. It would also be in more view of neighbors on the other side of the lot.

Considerations for Area Variance:

- 1) Neighborhood character – Because the project is replacing a garage that had been there for decades, and it is screened from the abutting parking lot, no undesirable change in the character of the neighborhood will occur. In fact, it would be more intrusive to neighbors if the variance was not granted.
- 2) Alternatives to Variance Request – The driveway would have to be moved/extended, which is cost prohibitive and creates more impervious surface.
- 3) Substantial Request – The requested variance of 5 feet is not substantial.
- 4) Impact to environment – The project will not have an adverse effect on the environment.
- 5) Was the alleged difficulty self-created – No, the current variance requirements were not in place when the driveway and garage were originally built.

Recommendations:

Given there is no undesirable impact to the neighborhood character or the environment, it is not a substantial request, and the alternative to move the footprint of the garage is impractical, **I recommend an approval of the applicant's request for a side lot variance.**

Respectfully submitted,
Chris Horne

Attachments – see photos below



RCBP # 22-74

Returned by Municipality _____

NOTIFICATION OF ZONING REVIEW ACTION

TO: Jeff Pangburn MUNICIPALITY: East Greenbush

APPLICANT: Louis & Justine Lombardi

SUBJECT: Area Variance

LOCATION: 15 Bruen Court


Project Description: Applicant proposes building new garage where a garage once stood,
where the side yard setback is not met.

Please be advised that the Rensselaer County Bureau of Economic Development and Planning has acted on the above subject as follows:

After having carefully reviewed the information submitted as part of the subject referral, the Bureau of Economic Development and Planning has determined that the proposal does not have a major impact on County plans and that local consideration shall prevail.

Please return a report of the final action you have taken to the Bureau of Economic Development and Planning, This report is due within seven days after the final action. If your action is contrary to the recommendation of the County Bureau of Economic Development and Planning, Section 239-m of Article 12-B requires the adoption of a resolution fully setting forth the reasons for such contrary action.

Date 8/4/22



ROBERT L. PASINELLA, JR, DIRECTOR
Economic Development and Planning
1600 Seventh Avenue
Troy, New York 12180
(518) 270-2914



RECEIVED

JUL 20 2022

DEPT PZD

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: Louis Lombardi

Address: 15 Bruen Ct.

Phone #: 585-981-0807 Email Address: Lou-Lombardi@yahoo.com

Signature of Applicant: *Louis Lombardi* Date: 7/18/22

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: 15 Bruen Ct.

Tax Map #: 155.9-1-17 (*Obtain from Assessor's office*)

Section 3: Project Information:

Describe project & why a variance is necessary:

Prior owner repaved existing driveway that led to existing garage, both were not built with 8' setback. Garage was later demolished. Meeting an 8' setback with proposed new garage would require an additional large "zig-zag" to allow entry and would take up a much larger portion of the yard.

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.

Section 2.6.6 Residential District

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:	8'	3'
Rear Setback:		
Lot width/frontage:		
Height:		
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 denial from the Building Department 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
For Official Use Only:

Appeal Number: 2022-06
Date Application Received: 7/20/2022
Tax Map Number: 155.9-1-17
Zoning District: R-2
Appeal Type: Area Variance
Application/Certified Fee: \$345.50
Received: 7/20/2022
Hearing Date: 8/23/2022
☐ 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.” (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:

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:

This variance will result in a new garage
in the same spot as an old garage that
was there for many decades.

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:

Complying with 8' setback will require an additional large "zig-zag" driveway that uses a lot more of the yard.

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

Variance is not substantial because closest structure on neighbor's property is parking lot on other side of existing vegetation, garage will have no impact.

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:

structure is a small prefab steel garage of modest height that replaces previous similar structure.

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:

Previous owners placed original garage (likely before 8' rule) and driveway, I am just working with property as I found it.

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: 15 Bruen Ct Garage							
Project Location (describe, and attach a location map): 15 Bruen Ct, Town of East Greenbush							
Brief Description of Proposed Action: Construct 2-car prefab steel garage on site of prior garage that has been demolished, new garage is similar size.							
Name of Applicant or Sponsor: Louis Lombardi		Telephone: 585-981-0807					
		E-Mail: lou_lombardi@yahoo.com					
Address: 15 Bruen Ct							
City/PO: Rensselaer (mailing address, property is physically located in East Greenbush)		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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<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: .Variance needed from East Greenbush zoning board of appeals			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3. a. Total acreage of the site of the proposed action?		0.24 acres					
b. Total acreage to be physically disturbed?		0.01 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.24 acres					
4. Check all land uses that occur on, are adjoining or near the proposed action:							
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):							
<input type="checkbox"/> Parkland							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input 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: _____ Project is unheated garage not intended for occupation. _____	<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: _____ Project will not generate wastewater. _____	<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 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 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"/>

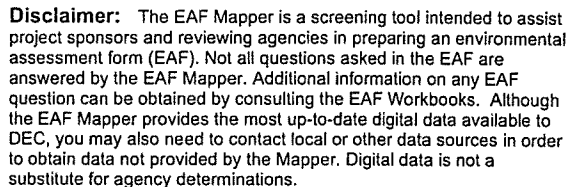
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 type="checkbox"/>	<input checked="" type="checkbox"/>

Unknown. _____		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Louis Lombardi</u> Date: <u>7/19/22</u> Signature: <u><i>Louis Lombardi</i></u> Title: _____		

Tuesday, July 19, 2022 10:49 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]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
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



RECEIVED

JUN 09 2022

DEPT P-ZD

The Town of East Greenbush

Building Department

225 Columbia Turnpike, Rensselaer, New York 12144
Phone: 518-477-6225 – Email egcodes@eastgreenbush.org
Building, Zoning and Fire Prevention

June 9, 2022

Louis and Justine Lombardi
15 Bruen Court
Rensselaer, NY 12144

RE: Permit Application
15 Bruen Court
Tax Map # 155.9-1-17

Dear Mr. and Mrs. Lombardi,

On May 20, 2020 you submitted an application for work at the above property involving:
Proposal to construct a 20' 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 Code: **Section 2.6.6 Residential District requires accessory structures larger than 120 sf maintain a side setback of 8 feet. The proposed garage location will leave a side setback of 3 feet. The proposed action requires (1) Area Variance.**

Therefore, your application of May 20, 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

RECEIVED
MAY 20 2022
EAST GREENBUSH
BUILDING DEPT.

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: Louis and Justine Lombardi

Phone #/Cell# 585-981-0807

E-MAIL: lou_lombardi@yahoo.com

Property Location: 15 Bruen Court

Contractor: TBD Phone # _____

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: \$ \$25,000

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 :**

2 Car detached un-heated steel prefab garage on floating concrete slab foundation. 20'x24' footprint of structure, 12' height. 3'0" from side of lot to concrete, 3'4" to structure.

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.

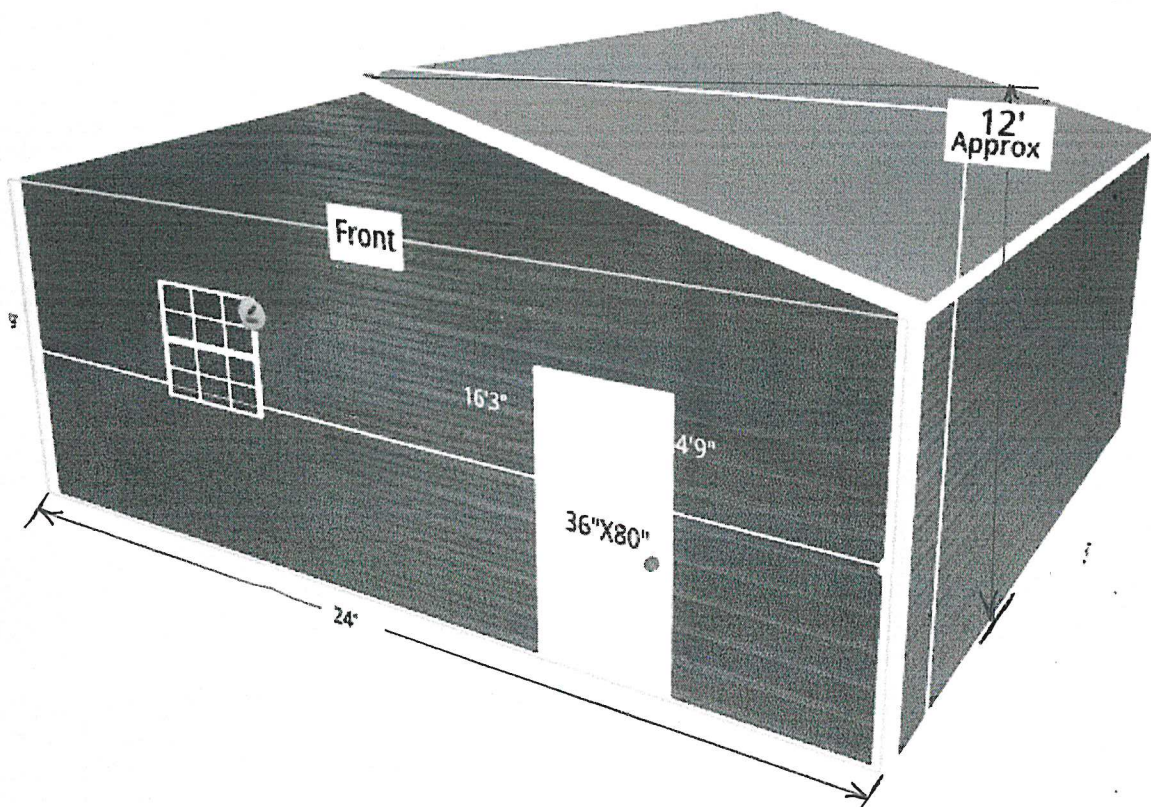
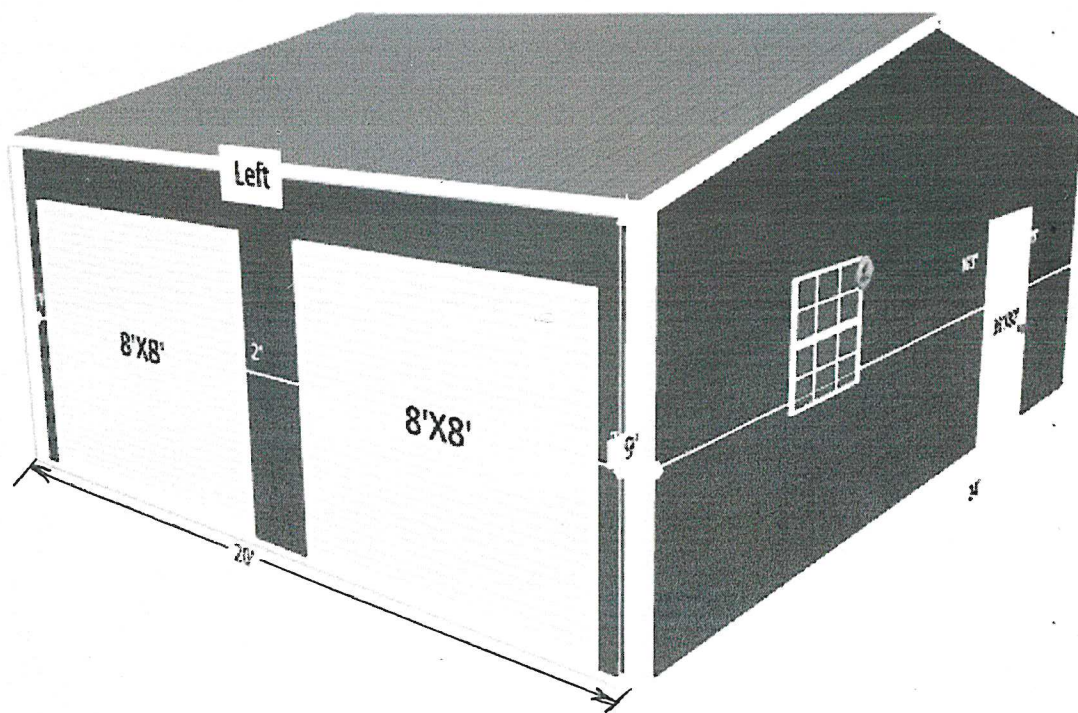
SIGNATURE: Louis Lombardi

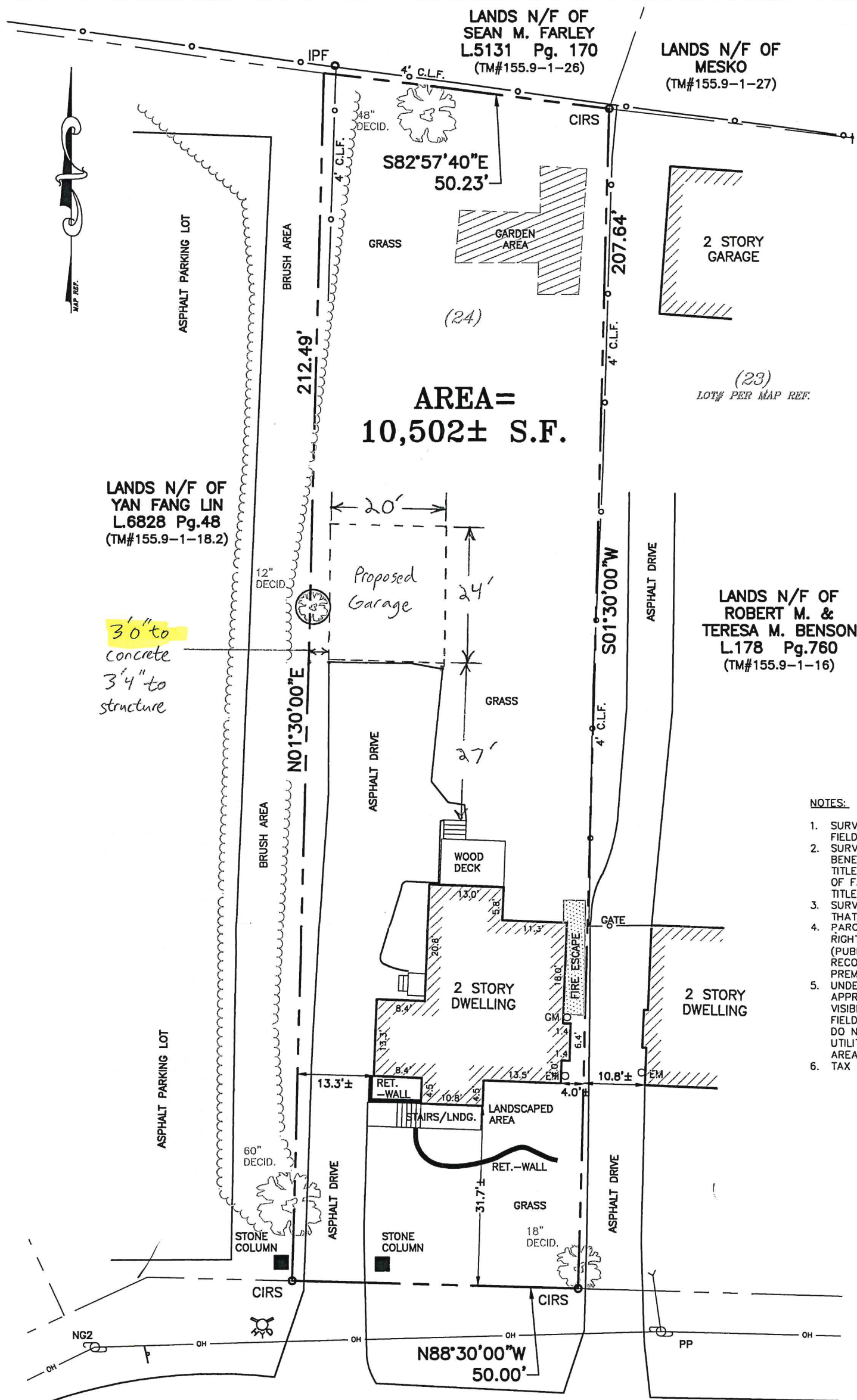
DATE: 5/20/22

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.





LEGEND:

- IPF IRON PIPE FOUND
- IRF IRON ROD FOUND
- CIRF CAPPED IRON ROD FOUND
- CIRS CAPPED IRON ROD SET
- EM ELECTRIC METER
- GM GAS METER
- UTILITY POLE
- MAIL BOX
- AIR CONDITION UNIT
- OH OVERHEAD UTILITY LINE
- FIRE HYDRANT

NOTES:

1. SURVEY SHOWN WAS PREPARED FROM A JUNE 2021 FIELD SURVEY.
2. SURVEY SHOWN WAS PREPARED WITHOUT THE BENEFIT OF AN UP TO DATE ABSTRACT OF TITLE OR TITLE REPORT AND IS SUBJECT TO ANY STATEMENTS OF FACT THAT SUCH AN ABSTRACT OF TITLE OR TITLE REPORT MAY REVEAL.
3. SURVEY SUBJECT TO ANY SUBSURFACE CONDITIONS THAT MAY EXIST, IF ANY.
4. PARCEL SUBJECT TO ANY SETBACKS, RESTRICTIONS, RIGHTS-OF-WAY (PUBLIC OR PRIVATE), EASEMENTS (PUBLIC OR PRIVATE), UTILITY EASEMENTS OF RECORD OR OTHERWISE THAT MAY AFFECT THE PREMISES SHOWN, IF ANY.
5. UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND BASED ON UTILITY EVIDENCE VISIBLE AT GROUND SURFACE AND ARE SUBJECT TO FIELD VERIFICATION BY EXCAVATION. UTILITIES SHOWN DO NOT IMPLY TO CONSTITUTE OR REPRESENT ALL UTILITIES UPON OR ADJACENT TO THE SURVEYED AREA. OTHER UTILITIES MAY EXIST, IF ANY.
6. TAX MAP PARCEL NUMBER 155.09-1-17.

MAP REFERENCE:

MAP ENTITLED "BRUEN COURT, PROPERTY OF W.F. BRUEN AT CLINTON HEIGHTS, NY", DATED MAY 19, 1923, PREPARED BY GUPTILL & BURNHAM AND FILED IN THE RENSSELAER COUNTY CLERK'S OFFICE IN DRAWER 19 AS MAP NO. 13.

BRUEN COURT

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S EMBOSSED SEAL AND SIGNATURE IN RED SHALL NOT BE CONSIDERED TO BE VALID COPIES. CERTIFICATES INDICATED OR IMPLIED HEREON SHALL RUN ONLY TO THE PARTY FOR WHOM THE SURVEY IS PREPARED, AND ON THEIR BEHALF TO THE ADDITIONAL PARTIES LISTED HEREON. CERTIFICATES ARE NOT TRANSFERABLE TO ADDITIONAL PARTIES, OR SUBSEQUENT OWNERS, NOT LISTED HEREON.

NMB
LAND SURVEYING
PLLC
20 TROY AVE. WYNANTSKILL NY, 12198
518-376-4630

NATHAN M. BURROWS L.S.
NEW YORK LIC. No. 50,724

MAP OF SURVEY
15 BRUEN COURT
LANDS OF LOUIS &
JUSTINE LOMBARDI
TOWN OF EAST GREENBUSH
COUNTY OF RENSSELAER STATE OF NEW YORK
SURVEYED BY: CJC CHECKED BY: NMB DATE: JULY 15, 2021
DRAWN BY: CJC JOB No. NB21-009 DWG No. 210712
SCALE: 1"=20' SHEET 1 OF 1

MOTION (22-10)
8/10/2022
BANK OF GREENE COUNTY
164 COLUMBIA TURNPIKE
MINOR SITE PLAN

MOTION: A motion was made by Chairman Mastin as follows: The Town of East Greenbush Planning Board hereby;

- 1. Classifies this action as a Type II action, Chapter 6 Part 617.5(C)(9) of the Codes, Rules, and Regulations of the State of New York, “construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities”;**
- 2. In accordance with Section 4.3.1 B.03.b, the project does require full Site Plan Review and hereby accepts the sketch plan dated, May 2022, prepared by Hart Engineering for the proposed minor site plan.**

Seconded by Ralph Viola & roll called as follows:

**M. Mastin-YES; R. Viola-YES; K. Bergmann-YES; C. Horne-YES;
D. Panton-YES; J. Conway-YES.**

MOTION CARRIED BY A 6-0 VOTE

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
Turnpike Redevelopment Group
For 2 Area Variances

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

Appeal No. 2022-07

Whereas, An application has been filed by Turnpike Redevelopment Group of 302 Washington Avenue Extension Albany, NY, 12203. The applicant proposes to construct a 1,700 square foot building in the front of the site with a 47 foot front setback & only one story. The review of the proposed work will not comply with the following provisions of the Town Zoning Law: Section 2.7.2 E and 2.7.2 F 03. The front setback in the B-1 Zone is 15 feet maximum. The proposed structure is one story which does not meet the two story requirement in the B-1 zone; and

Whereas, The applicant has filed an application requesting 2 Area Variance at the property located at 164 Columbia Turnpike East Greenbush, NY (Tax Map No. 155.13-21-13); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on September 2, 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, September 13, 2022 to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its August 24, 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 to construct a 1,700 square foot building in the front of the site with a 47 foot front setback be _____ **(GRANTED/DENIED)** with ____ **(NO)** condition(s):

This resolution was moved by _____ and seconded by _____ at a meeting duly held on September 13, 2022.

(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: _____, 2022

****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 to construct a 1,700 square foot building in the front of the site with only one story be _____ **(GRANTED/DENIED)** with ____ **(NO)** condition(s):

This resolution was moved by _____ and seconded by _____ at a meeting duly held on September 13, 2022.

(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: _____, 2022

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

Copy To:

Louis & Justine Lombardi
15 Bruen Court
Rensselaer, NY 12144

Cc: Rensselaer County Planning (Via Email)
Town Clerk (Via Email)
Building Inspector (Via Email)
Assessor (Via Email)
ZBA File No. 2022-06

NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of East Greenbush will hold a public hearing on September 13, 2022 at the Town Hall 225 Columbia Turnpike Rensselaer NY beginning at 7:30 P.M. to consider the following application:

Appeal number # 2022-07 the appeal of Turnpike Redevelopment Group, LLC. of 302 Washington Avenue Ext. Albany, NY 12203. The applicant proposes to construct a 1,700 square foot building in the front of the site with a 47' foot front setback and only one story. The review of the proposed work will not comply with the following provisions of the Town's Comprehensive Zoning Law: Section 2.7.2 E and 2.7.2 F 03. The required front setback in the B-1 Zone is 15 feet maximum. The proposed structure is one story which does not meet the two-story height requirement in the B-1 zone. Therefore the proposed action requires 2 Area Variances for the property located at 164 Columbia Turnpike, East Greenbush NY. Tax Map # 155.13-21-13

Any interested party may comment in person at the hearing. Written comment may be submitted to the Zoning Board of Appeals, Town of East Greenbush, 225 Columbia Turnpike, Rensselaer, New York 12144 at any time prior to the hearing.

BY ORDER OF THE ZONING BOARD OF APPEALS

DATED AUGUST 31, 2022

JEFF PANGBURN, CHAIRMAN

ZONING BOARD OF APPEALS

TOWN OF EAST GREENBUSH

FOR ADDITIONAL INFORMATION REGARDING THIS ACTION CALL THE EAST GREENBUSH ZONING DEPARTMENT AT 694-4011.



The Town of East Greenbush

225 Columbia Turnpike
Rensselaer, NY 12144
518 694-4011
518 477-2386 FAX

Memorandum

Date: August 25, 2022

To: Jeff Pangburn, ZBA Chair

From: Alison Lovely on behalf of Chairman Mastin

Re: Planning Board Recommendation

Comments:

The following recommendation is from the draft August 24, 2022 Planning Board Minutes.

ZBA Appeal #2022-06-Bank of Greene County-164 Columbia Turnpike-2 Area Variances-Building Height & Building Setback - Report by Matt Mastin

After some discussion from the Board, the following motion was made.

A motion was made by Chairman Mastin as follows: **The Planning Board makes a positive recommendation for both variances based on the report submitted today from a Planning perspective. * See attached report for further details.**

Seconded by Don Panton & roll called as follows:

M. Mastin-YES; K. Bergmann-YES; C. Horne-YES; D. Panton-YES; R. Jucha-YES.

MOTION CARRIED BY A 5-0 VOTE

August 24th, 2022

RE: Area Variance Application
Turnpike Redevelopment Group
164 Columbia Turnpike

The applicant is proposing to build a bank located at 164 Columbia Turnpike (Tax Map #155.-13-21-13) in the Town's General Business Mixed Use District (B-1). The proposed structure is 1,700 square foot, 42' x 42'. The parcel is 14.5 acres and currently contains a large commercial building and an accessory garage structure. The applicant is seeking relief for set-back requirements in Section 2.7.2.E and height requirements in Section 2.7.2.F.03 of the Town's Comprehensive Zoning Law. The lot requirements are as follows:

- Maximum 15' front yard set back
- Maximum 50' height (2 story minimum)

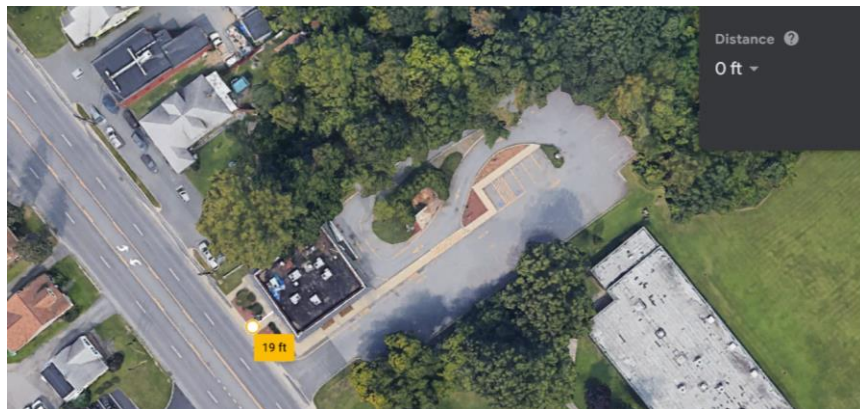


I met with the applicant's representative, Steve Hart, P.E., on Sunday, August 21st at 11am. The meeting took place at the proposed development site, 164 Columbia Turnpike, Tax Map #155.-13-21-13.

With regard to the front yard set-back and from a planning perspective, the proposal of a drive-thru bank does not fit neatly at the front of the property as required by the Comprehensive Zoning Law. At the required 0'-15', the proximity to Columbia Turnpike would prohibit vehicle circulation required for a drive-thru. For this type of business, it is important to include space for the drive thru lane and space for traffic to get around the drive-thru. This could not be accomplished within 15' from the front parcel boundary. The picture below depicts roughly 15' from the front property boundary.



The former Burger King across the street from this parcel included a setback of less than 20' and included an atypical drive thru. When the business was operational, the parking lot could be difficult to traverse and the drive thru was poorly designed. Picture below:



Furthermore, there are no other examples of a drive thru bank, or bank in general, in the Town of East Greenbush located within 15' of the front property boundary. Below are two examples of banks within the B-1 zoning district:





Based on my review of the area variance application for relief from front setback requirements, the structure will not have an adverse impact on the neighborhood. The proposed construction meets the character of the zoning district throughout East Greenbush.

With regard to the two-story height requirement, many of the structures within the same zoning district and immediately adjacent to 164 Columbia Turnpike do not meet the two-story height requirement. Most of the adjacent parcels are set back more than 15' as required by the Comprehensive Zoning Law and therefore do not create a "traditional public street wall" as intended by the law.







Based on my review of the area variance application for relief from the two-story height requirement, the structure will not have an adverse impact on the neighborhood. The proposed construction meets the character of the zoning district throughout East Greenbush. This structure would actually bring the parcel more inline with the intent of the zoning law as the existing structures are over 400' from the front property boundary.

The Planning Board thereby gives a positive recommendation on both area variance applications from a planning perspective.

Matt Mastin

Matt Mastin
Chairman
East Greenbush Planning Board

RCBP # 22-84

Returned by Municipality _____

NOTIFICATION OF ZONING REVIEW ACTION

TO: Jeff Pangburn MUNICIPALITY: East Greenbush

APPLICANT: Bank of Greene County

SUBJECT: 2 Area Variances

LOCATION: 164 Columbia Turnpike


Project Description: Applicant proposes constructing a single-story bank set back from the road 55' when two stories and a maximum setback of 15' are required.

Please be advised that the Rensselaer County Bureau of Economic Development and Planning has acted on the above subject as follows:

After having carefully reviewed the information submitted as part of the subject referral, the Bureau of Economic Development and Planning has determined that the proposal does not have a major impact on County plans and that local consideration shall prevail.

Please return a report of the final action you have taken to the Bureau of Economic Development and Planning, This report is due within seven days after the final action. If your action is contrary to the recommendation of the County Bureau of Economic Development and Planning, Section 239-m of Article 12-B requires the adoption of a resolution fully setting forth the reasons for such contrary action.

Date 8/23/22



ROBERT L. PASINELLA, JR, DIRECTOR
Economic Development and Planning
1600 Seventh Avenue
Troy, New York 12180
(518) 270-2914



RECEIVED

AUG 04 2022

DEPT PZD

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: Turnpike Redevelopment Group, LLC

Address: 302 Washinton Ave Ext, Albany NY 12203

Phone #: 518-265-6959 Email Address: sobermayer@bblinc.com

Signature of Applicant:  Date: 7/29/22

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: 164 Columbia Turnpike

Tax Map #: 155.13-21-13 (*Obtain from Assessor's office*)

Section 3: Project Information:

Describe project & why a variance is necessary:

Project requires an area variance for building setback and building height

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.

Article: _____ Section: II Subsection: 2.7.2 (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:	0'/15' max	47'+/-
Side Setback:	12'/12'	514'/52'
Rear Setback:	12'	672'
Lot width/frontage:	100'	620'+/-
Height:	50' (2 story min)	20' (1 story)
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
For Official Use Only:

Appeal Number: 2022-07
Date Application Received: 8/4/2022
Tax Map Number: 155.13-21.13
Zoning District: B-1
Appeal Type: 2 Area Variances
Application/Certified Fee: \$451.78
Received: 8/11/2022
Receipt #: 69926
Hearing Date: 9/13/2022

☐ Approved:
☐ With/without conditions:
☐ Denied:



The Town of East Greenbush

Zoning Board of Appeals

225 Columbia Turnpike, Rensselaer, New York 12144

Phone: 518 694-4011

Authorization Form

To the Town of East Greenbush (X) Zoning Board of Appeals;

Turnpike Redevelopment Group, LLC
I, _____ give permission to Steven P. Hart, P.E.
Property Owner Representative

For representing me for my application before the Town of East Greenbush
Zoning Board of Appeals as indicated above, in applying for an Area Variance.

for the property located at 164 Columbia Turnpike in the Town of East Greenbush
Property Address

Property Owner's Signature: 

Date: 7/21/22

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:

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:

SEE ATTACHED NARRATIVE

BANK OF GREENE COUNTY AT 164 COLUMBIA TURNPIKE
REQUEST FOR AREA VARIANCE – Building Setback
August 2022

In support of the requested AREA VARIANCE we are addressing the criteria for the “balancing approach” for the application submitted by Turnpike Redevelopment Group, LLC for a proposed Bank located at 164 Columbia Turnpike. Our comments and concerns for each of the 5 factors as noted in the Area Variance application are as follows:

1. *Whether an undesirable change will be produced in the character of the neighborhood or community or a detriment to nearby properties will be created by granting of the area variance:*

We do not feel that any undesirable change or detriment to the neighborhood will be created with granting of this area variance. The proposed Bank location is situated on the 9 & 20 Commercial Corridor within a large parking lot. Upon completion, there will be more green space and less asphalt. The building is proposed as a single story with a tall façade. There will be no parking in the front of this building, which is similar to most others in this general area. *(See attached site plan and aerial map)*

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:*

The applicant is proposing a bank with a drive through lane for an ATM. This requires access around the front (highway) side of the building, which then requires a setback greater than the 15’ as noted in the code.

3. *Whether the requested area variance is substantial:*

The requested building setback is 55’, whereas the Code asks for 15’ max. Thus, the setback would be considered substantial, but there are already two existing buildings on site that are approximately 250’ off the road.

4. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood and/or district:*

The proposed variance will blend nicely with the other buildings and uses on the corridor, and therefor will not have a negative effect in the neighborhood or district.

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:*

As the applicant is seeking this variance so they can construct drive through lanes, we would say the alleged difficulty is self-created.

We trust that the above information adequately addresses the criteria for granting of an area variance. We welcome the opportunity to meet with you at the next available meeting to discuss this matter in greater detail.

BANK OF GREENE COUNTY AT 164 COLUMBIA TURNPIKE
REQUEST FOR AREA VARIANCE – Building Height
August 2022

In support of the requested AREA VARIANCE we are addressing the criteria for the “balancing approach” for the application submitted by Turnpike Redevelopment Group, LLC for a proposed Bank located at 164 Columbia Turnpike. Our comments and concerns for each of the 5 factors as noted in the Area Variance application are as follows:

1. *Whether an undesirable change will be produced in the character of the neighborhood or community or a detriment to nearby properties will be created by granting of the area variance:*

We do not feel that any undesirable change or detriment to the neighborhood will be created with granting of this area variance for the building height. The surrounding buildings along the corridor are a mix of single - story and two story buildings. The single-story building will blend nicely with the adjoining neighbors. *(See attached site plan and aerial map)*

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:*

The applicant is proposing a single-story bank with drive through lanes for an ATM and teller. Requiring a second story on a relatively small footprint of 1700 sf would make the construction cost too high for the rental income that would be realized.

3. *Whether the requested area variance is substantial:*

The requested building height with the added roof façade will be approximately 20' high. A typical 2 story building could be 24' high, so a 20% reduction in height would not be substantial in our opinion.

4. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood and/or district:*

The proposed building height will be similar to the surroundings and therefore will blend nicely with the other buildings and uses on the corridor, and will not have a negative effect in the neighborhood or district.

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:*

As the applicant is seeking this variance so a single story can be constructed, we would say the alleged difficulty is self-created.

We trust that the above information adequately addresses the criteria for granting of an area variance. We welcome the opportunity to meet with you at the next available meeting to discuss this matter in greater detail.

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:

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

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:

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 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: Anna Feltham, Director of Planning

DATE: June 12, 2022

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>.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

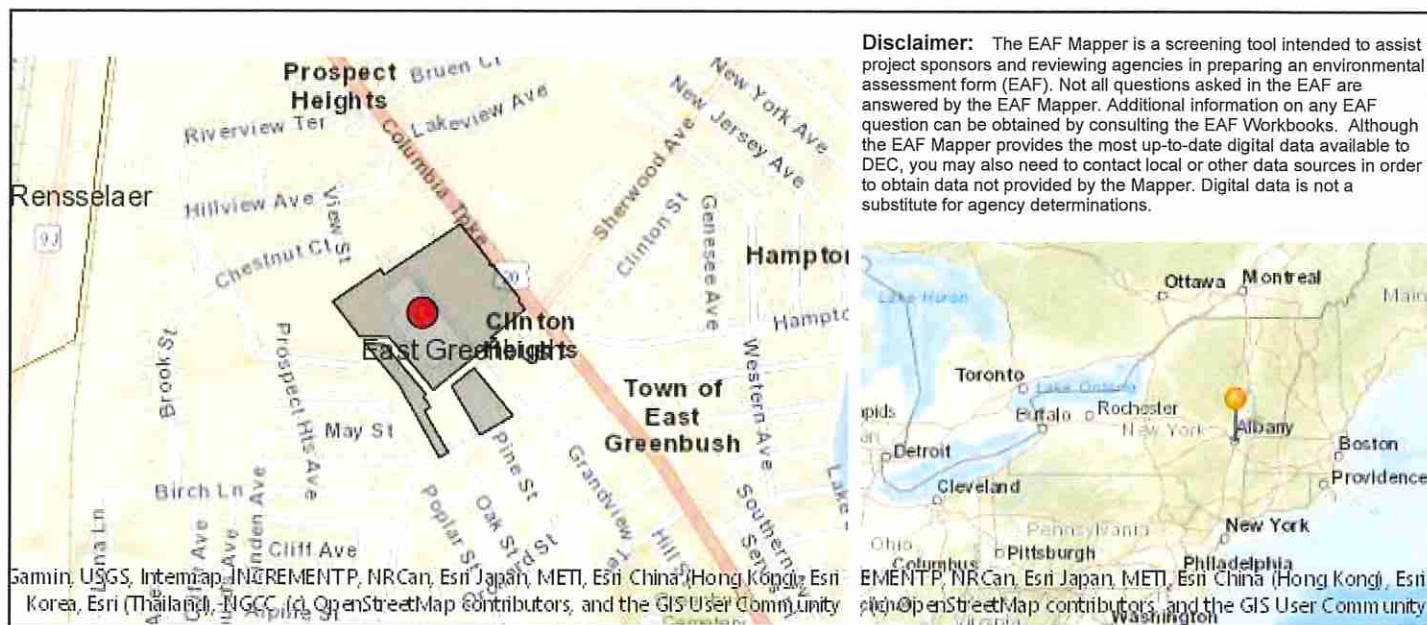
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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			
Turnpike Redevelopment Group, LLC			
Name of Action or Project:			
Bank of Greene County			
Project Location (describe, and attach a location map):			
164 Columbia Turnpike			
Brief Description of Proposed Action:			
Applicant proposes the construction of a 1,700 sf building and site improvements. Project requires an area variance for building setback and building height.			
Name of Applicant or Sponsor:		Telephone: 518-857-1246	
Turnpike Redevelopment, LLC		E-Mail: sobermayer@bblinc.com	
Address:			
302 Washington Ave Ext			
City/PO:		State:	Zip Code:
Albany		NY	12203
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
			<input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval: East Greenbush Zoning Board of Appeals			YES
			<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?			14.5 acres
b. Total acreage to be physically disturbed?			0.3 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			14.5 acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" 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 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 type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input 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? Bald Eagle	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
stormwater runoff will be directed to existing storm sewer system within the site		
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"/>
+/- 1000 feet east is former site of United One Hour Dry Cleaners. NYSDEC # 442045. The site address is 170 Col. Tnpk		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>STEVE OBERMEYER</u> Date: <u>7/29/12</u>		
Signature: <u>[Signature]</u> Title: <u>Authorized Agent</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Bald Eagle
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

[illegible]

AERIAL PLAN

BANK OF GREENE COUNTY

164 COLUMBIA TURNPIKE

ENGINEER: STEVEN P. HART, P.E.
DRAWN BY: DAH
DATE ISSUED: MAY 2022
SCALE: AS SHOWN
DRAWING NUMBER: _____

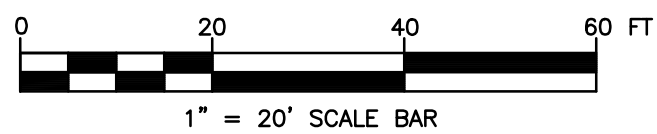
1 OF 1



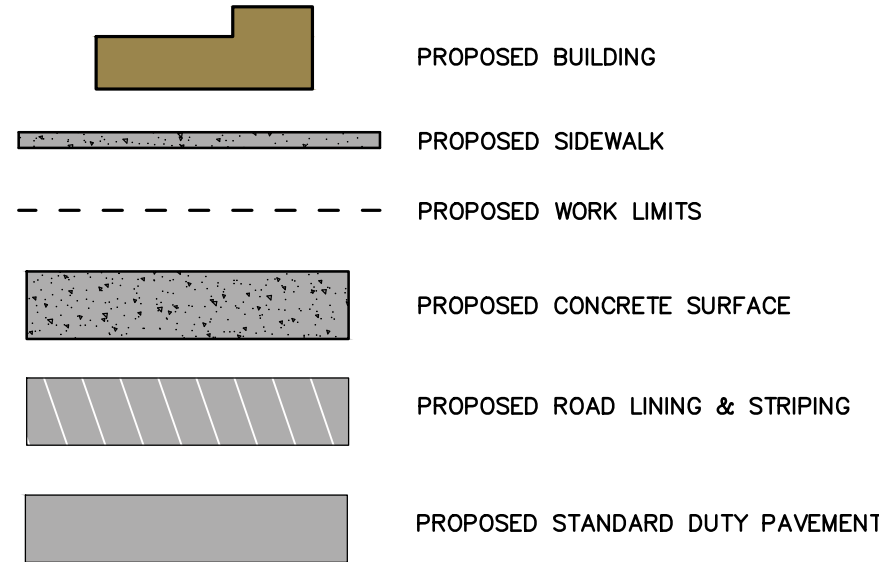
Front Elevation from Columbia Turnpike



1 SITE PLAN
C100 SCALE: 1"=20'



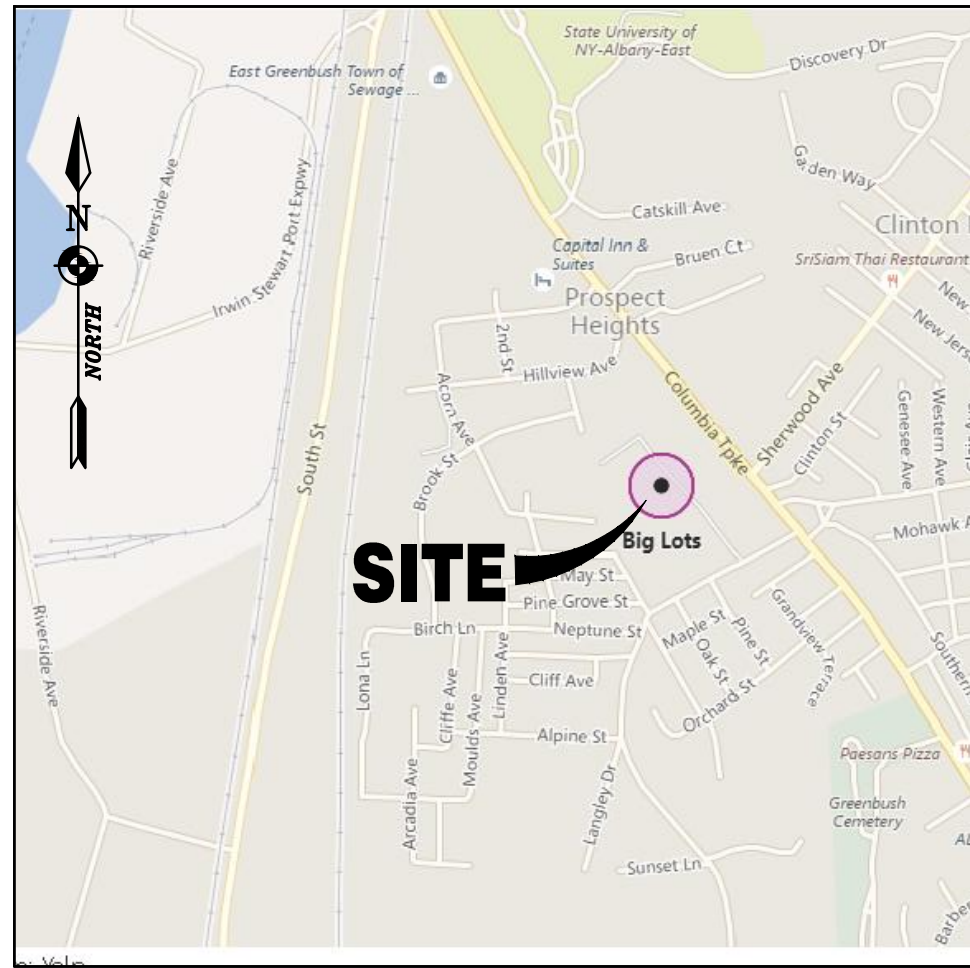
SITE LEGEND:



GREEN SPACE CALCULATIONS

	REMOVED	PROPOSED-NEW	TOTAL
GREEN SPACE	1,246± SFT	2,976± SFT	+1730± SFT

TOTAL BANK PARKING PROVIDED
= 15 PARKING SPACES



SITE DATA CHART		
CURRENT ZONING: B1-GENERAL BUSINESS		
TAX MAP NUMBER(S) 155.13-21-13		
	REQUIRED PER ZONING	PROPOSED
PARCEL SIZE	21,780 SFT	631,297± SFT
SETBACKS		
FRONT (NORTH)	0'/15' MAX FEET	437.4 FEET
SIDE (EAST)	12 FEET	90.9 FEET
SIDE (WEST)	12 FEET	45.9 FEET
REAR (SOUTH)	12 FEET	72.4 FEET
PARKING	5 FEET	>5 FEET
BUILDING SET		122,456± SQ FT
CONCRETE/PAVEMENT SET		321,063± SQ FT
MAXIMUM BUILDING COVERAGE	70 PERCENT	19.4 PERCENT
GREEN SPACE	25 PERCENT	29.74 PERCENT
MAXIMUM BUILDING HEIGHT	50 FEET	25 FEET
PARKING STALL SIZE	9' x 18'	
PARKING REQUIREMENTS		
GYMNASTICS	5,500± SFT	
	30 SPACES	
GENERAL OFFICE	12,000 SFT	
4 SPACES / 1,000 SF	48 SPACES	
WAREHOUSE (4 EMPLOYEES)		
1.5 SPACES / EMPLOYEE	6 SPACES	
OFFICE (OCFS)	95,700 SFT	
5.5 SPACES / 1,000 SF	525 SPACES	
BANK		
3 SPACES/TELLER (3 TELLERS)=9 1 SPACE/CUSTOMER SERVICE DESK (4 DESKS)=4	13	15
ADA REQUIRED SPACES: [501 TO 1000] - MINIMUM 2% OF TOTAL	14	17
TOTAL SPACES REQUIRED:	MIN. 622	645

OWNER:

TURNPIKE REDEVELOPMENT GROUP
302 WASHINGTON AVE EXT
ALBANY, NY 12203
ATTN: MR. STEPHEN OBERMAYER

APPLICANT:

BBL CONSTRUCTION SERVICES, LLC
302 WASHINGTON AVE EXT
ALBANY NY 12203
ATTN: MR. JON DEFOREST

MAP REFERENCE:

MAP TITLED "MAP SHOWING INFORMATION AND LOCATION OF BUILDINGS AND IMPROVEMENTS WITH REFERENCE TO PROPERTY LINES OF A PORTION OF NO.164 COLUMBIA TURNPIKE" PREPARED BY HERSHBERG & HERSHBERG. DATED 4/15/2022

TOWN OF EAST GREENBUSH PLANNING BOARD

SKETCH PLAN

BANK OF GREENE COUNTY
164 COLUMBIA TURNPIKE

TOWN: EAST GREENBUSH COUNTY: ROUSSELEAU STATE: NEW YORK

ENGINEER:
STEVEN P. HART, P.E.
DRAWN BY:
DAH
DATE ISSUED:
MAY 2022
SCALE:
AS SHOWN
DRAWING NUMBER:
C100