

# TOWN OF EAST GREENBUSH PLANNING BOARD

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518)477-2005 FAX (518)477-2386

---

## MEMORANDUM

### PLANNING BOARD MEETING AGENDA NOVEMBER 9, 2022 MEETING WILL BE HELD IN THE COMMUNITY ROOM AT TOWN HALL

**7:00PM CALL TO ORDER/DETERMINATION OF QUORUM:**

**PUBLIC HEARINGS:**

NONE

**OLD BUSINESS:**

(21-30) E.W. Birch Builders-26 Mountain View Avenue-Minor Subdivision -Presentation

**NEW BUSINESS:**

(22-18) Beckers Farm 420 Columbia Turnpike –Site Plan Modification– Review for Conditional Final Site Plan Approval

(19-01a) Martin Electric-164 Columbia Turnpike-Major Site Plan & Special Use Permit-Presentation

**NEW ZBA REPORTS:**

ZBA Appeal #2022-10-Curley-1 Gail Court-Area Variance-Roof over rear patio –report by Robert Jucha

**NEW ZBA REFERRALS:**

ZBA Appeal #2022-12-Farrell-306 Sunset Avenue-2 Area Variances-Shed –report due by December 14, 2022

**REVIEW & APPROVAL OF MEETING MINUTES:**

*October 26, 2022 meeting minutes*

*\*To view application materials use this link: [\\*https://www.eastgreenbush.org/departments/planning-zoning/apps](https://www.eastgreenbush.org/departments/planning-zoning/apps)*

**BECKERS FARM, LLC**  
**MINOR SITE PLAN MODIFICATION**  
**420 COLUMBIA TURNPIKE**  
**NOVEMBER 9, 2022**

**MOTION to CONDITIONALLY APPROVE**  
**(22-18)**

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 SEQR action in accordance with 6 CRR-NY 617.5 Type II Actions (C)(9) “construction or expansion of a primary or accessory/appurtenant, non-residential 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”; and
2. Grants conditional final approval of the proposed Site Plan Modification as depicted on the revised site plan prepared by Steve Hart P.E. dated October 17, 2022, and subject to the following conditions:
  - Satisfying outstanding technical details as determined by the Town Planning and Zoning Department
  - All remaining fees are paid to the Town.

*End of Motion*



## *The Town of East Greenbush*

### **Zoning Board of Appeals**

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

RECEIVED

OCT 28 2022

DEPT Zoning

### **AREA VARIANCE APPLICATION**

#### **Section 1: Applicant/Property Owner Information:**

##### **Applicant:**

Name: William F Farrell

Address: 306 Sunset Ave Rensselaer NY 12144

Phone #: (518) 322-6621 Email Address: wfFarrell@nycap.org.com

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

##### **Property Owner (If not Applicant)**

Name: William F FARRELL

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email Address: \_\_\_\_\_

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

#### **Section 2: Property Information:**

Property Address/Location: 306 Sunset Ave Rensselaer NY 12144

Tax Map #: 155.14-6-1 (\*Obtain from Assessor's office\*)

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

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

To comply with section II 2.6.6, we are placing a shed  
inside our backyard and we were told we needed a  
variance to do so - we must add 10 ft + 2 ft according to  
our denial letter

**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.**

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:	25 feet	15 feet
Side Setback:		
Rear Setback:	5 feet	3 feet
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 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: 2022-12  
 Date Application Received: 10/28/2022  
 Tax Map Number: 155.14-6-1  
 Zoning District: R-2  
 Appeal Type: 2 Area Variances  
 Application/Certified Fee: \$451.78  
 Received: 11/3/2022  
 Receipt #: 70532  
 Hearing Date:  
☐ 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, (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:

no it will not it is a shed that will be located  
in our back yard and will not affect anyone else

---

---

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:

THIS AREA OF THE BACKYARD IS THE BEST LOCATION  
FOR THE STORAGE SHED THAT ALLOWS US ACCESS TO  
OUR DRIVEWAY

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

NO DO TO THE FACT IN ON  
MY LAND & INSIDE MY  
FENCE

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:

NO ADVERSE EFFECT WILL BE CAUSED BY ADDING  
A SHED TO OUR BACKYARD

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:

WAS NOT AGAIN BEST LOCATION NEAR DRIVEWAY



# *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 & Zoning**

**DATE: June 13, 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.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: <div style="font-family: cursive; font-size: 1.2em;">306 SUNSET Ave Rensselaer NY 12144</div>			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action: <div style="font-family: cursive; font-size: 1.2em;">Adding A 12x12 Storage shed to our backyard</div>			
Name of Applicant or Sponsor: <div style="font-family: cursive; font-size: 1.2em;">William F FARRELL</div>		Telephone: (518) 322-6621 E-Mail: wffarrell@nycap.sr.com	
Address: <div style="font-family: cursive; font-size: 1.2em;">306 SUNSET Ave</div>			
City/PO: <div style="font-family: cursive; font-size: 1.2em;">Rensselaer</div>		State: <div style="font-family: cursive; font-size: 1.2em;">NY</div>	Zip Code: <div style="font-family: cursive; font-size: 1.2em;">12144</div>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<div style="font-family: cursive; font-size: 1.2em;">0.21 acres</div> <div style="font-family: cursive; font-size: 1.2em;"><del>0.21</del> acres 10'x10'</div> <div style="font-family: cursive; font-size: 1.2em;">12'x12' shed</div>	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> Urban</div> <div style="width: 50%;"><input type="checkbox"/> Rural (non-agriculture)</div> <div style="width: 50%;"><input type="checkbox"/> Industrial</div> <div style="width: 50%;"><input type="checkbox"/> Commercial</div> <div style="width: 50%;"><input checked="" type="checkbox"/> Residential (suburban)</div> <div style="width: 50%;"><input type="checkbox"/> Forest</div> <div style="width: 50%;"><input type="checkbox"/> Agriculture</div> <div style="width: 50%;"><input type="checkbox"/> Aquatic</div> <div style="width: 50%;"><input type="checkbox"/> Other(Specify):</div> <div style="width: 50%;"><input type="checkbox"/> Parkland</div> </div>			



<p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	<p>NO</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>N/A</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</p> <p>If Yes, identify: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation services available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	
<p>9. Does the proposed action meet or exceed the state energy code requirements?</p> <p>If the proposed action will exceed requirements, describe design features and technologies:</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>10. Will the proposed action connect to an existing public/private water supply?</p> <p>If No, describe method for providing potable water: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>11. Will the proposed action connect to existing wastewater utilities?</p> <p>If No, describe method for providing wastewater treatment: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>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?</p> <p>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?</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	
<p>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?</p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</p> <p>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? 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>William F Farrell</u> Date: <u>28 OCT 2022</u> Signature: <u>William F Farrell II</u> Title: _____		



## The Town of East Greenbush

---

### Building Department

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

October 27, 2022

Mr. William Farrell III  
306 Sunset Ave  
Rensselaer, NY 12144

### RE: PERMIT APPLICATION

Tax Map # 155.14-6-1

Dear Mr. Farrell,

On October 20, 2022 you submitted an application for work at the above property involving: **Proposal to construct a 12' x 12' shed in the front yard.** The property is located in an area, which is zoned: **Residential District (R-2).**

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

The review of the proposed work will not comply with the following provisions of the Town Zoning Law: **Section II 2.6.6 Residential District; the required front setback is 25 feet and the proposed setback is 15 feet. The required rear setback is 5 feet and the proposed setback is 3 feet. The proposed action requires (2) Area Variances.**

Therefore, your application of October 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 and Zoning Department, 225 Columbia Turnpike. (518) 694-4011.

Sincerely,

Camerron Poli  
Code Enforcement Official



TOWN OF EAST GREENBUSH  
COUNTY OF RENSSELAER  
225 Columbia Turnpike Rensselaer, NY 12144  
Office (518) 477-6225 Fax (518) 477-2386  
[www.eastgreenbush.org](http://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: William F Farrell III

Phone #/Cell# (518) 3226621

Property Location: 306 Sunset Ave Rensselaer NY 12144

E-MAIL: wffarrell@ny.cop.r. com

Contractor: Home Depot / TUFF SHED Phone # (913) 315-8647

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: \$ 10000

**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 12 x 12 - 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](http://digsafelynewyork.com), dial 811

**PERMIT FEES ARE NON - REFUNDABLE**

**\*NOTE AREA - ADDITIONAL INFORMATION :** \_\_\_\_\_

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 :** William F Farrell III

**DATE:** 18 OCT 2022

**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.



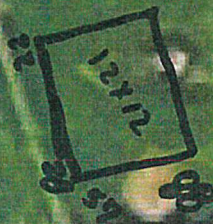
Sunset Ave

Sunset Ave

Suns



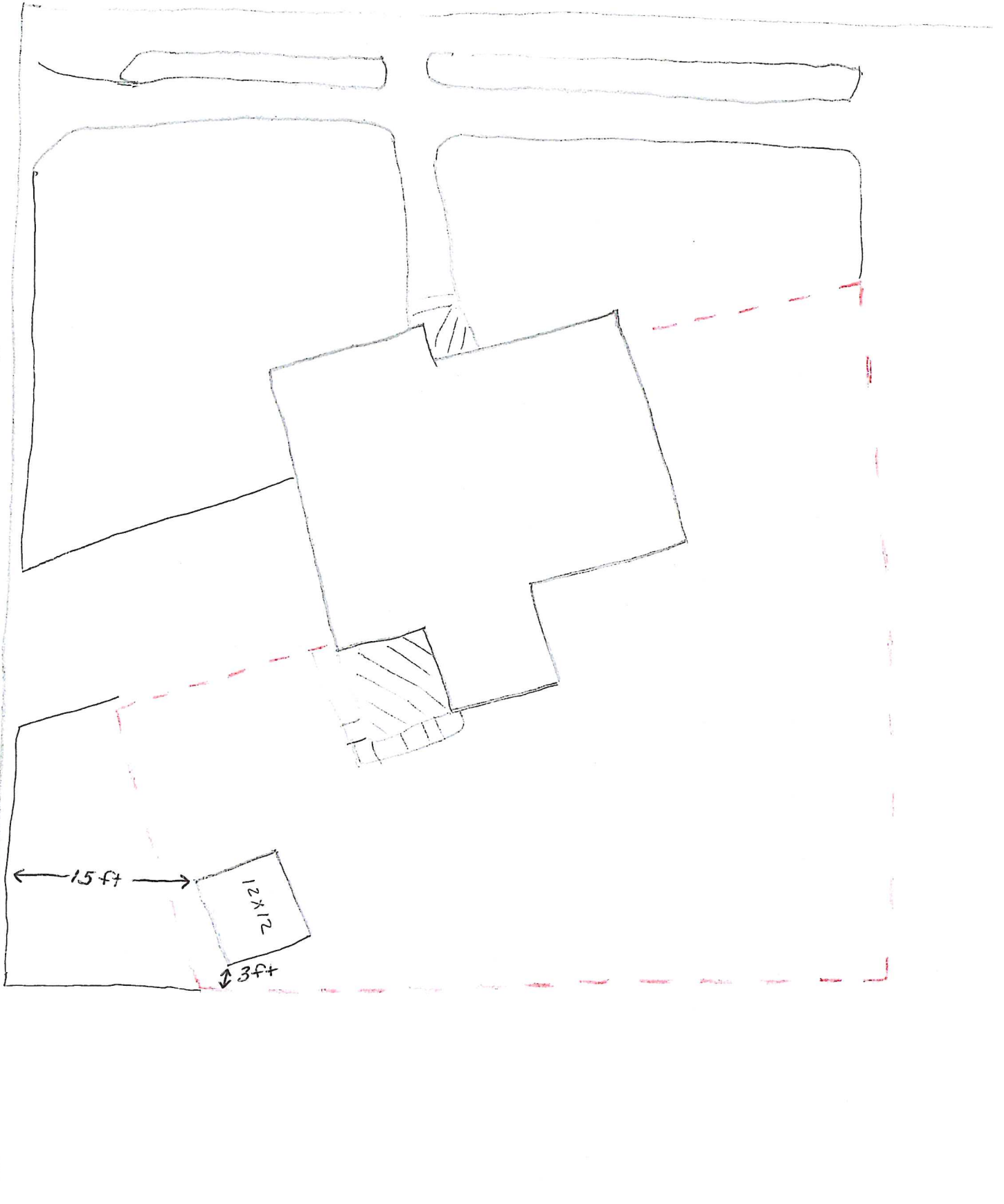
306 Sunset Ave  
Recently viewed



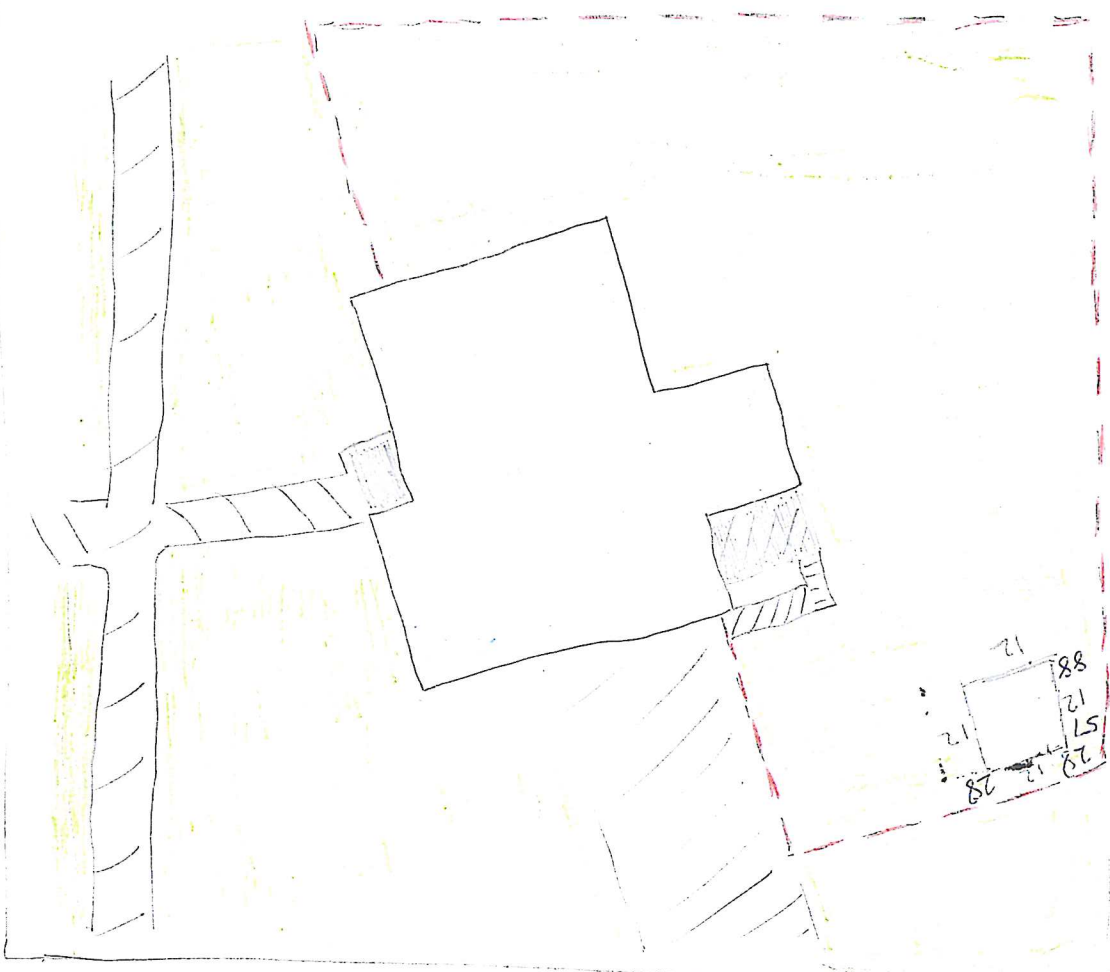


Sunset Ave

Summit Ave



SUNSET AVE



SUMMIT AVE