

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, JUNE 9, 2015

7:30PM

7:30 PM CALL TO ORDER

PUBLIC HEARINGS:

ZBA Appeal #2015-02-Goldstein-4 Madison Avenue-Use Variance for proposed Two Family Dwelling

SEQR DETERMINATION & RECOMMENDATION:

ZBA Appeal #2015-02-Goldstein-4 Madison Avenue-Use Variance for proposed Two Family Dwelling

WORKSHOP/DELIBERATION:

ZBA Appeal #2015-02-Goldstein-4 Madison Avenue-Use Variance for proposed Two Family Dwelling

NEXT MEETING:

July 14, 2015 - June 23, 2015 meeting to be cancelled.

STATUS - New Appeals on July 14, 2015:

ZBA Appeal # 2015-03-Brozowski - 11 Highlandview Ave- 2 Area Variances-Front setback for proposed house and rear setback for proposed Deck

ZBA Appeal # 2015-04-Brozowski -13 Highlandview Ave- 2 Area Variances-Front setback for proposed house and rear setback for proposed Deck

ZBA Appeal # 2015-05-Brozowski - 12 Neptune St.- 2 Area Variances-Front setback for proposed house and rear setback for proposed Deck

APPROVAL OF MINUTES:

May 12, 2014

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

RECEIVED
MAY 04 2015
DEPT. Zoning

All applications must be submitted with:

1. Filing Fee (determined at application review by Board of Appeals Chairman)
2. Determination by Zoning Enforcement Officer (given to applicant by Building Department) and
3. Survey Map or Plot Plan, Site Plan, Sketch, and/or Other Descriptive Detail.

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

A. Property Owner Data Please print or type neatly.

1. Name: Harvey Goldstein, Joan Goldstein
2. Address: 4 Madrox Ave Hampton Manor
3. City: Rensselaer State: NY Zip: 12144
4. Telephone Number: (518) 477-9424
5. Location of Property: 4 Madrox Ave
6. Tax Map No.
(Can be obtained at Assessors Office)

D. For Official Use

Appeal Number:	<u>2015-02</u>
Tax Map Number:	<u>155.17-142</u>
Zoning District:	<u>R-2</u>
Appeal Type:	<u>Use Variance</u>
Fee(s):	<u>APP - Conf. Fee</u> <u>\$373.12</u>
Received:	<u>5/6/15</u>
Hearing Date:	<u>6/9/15</u>

7. Representative:

Name: Same Phone Number: Same

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

B. Application for (Check as appropriate)

Area or Use
Variance(s) Special Permit Interpretation

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

change of zoning from 1-family to 2-family

C. Signature of Property Owner:

Harvey Goldstein, Joan Goldstein
Date: 4/20/15

617.20
Appendix B
Short Environmental Assessment Form

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			
change of zoning from 1 family to 2 family			
Name of Action or Project:			
4 Madison Ave Hampton Manor Renaissance, NY.			
Project Location (describe, and attach a location map):			
Cosmetic - Painting			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone: (518) 477-9424	
Harvey Goldstein, Jason Goldstein		E-Mail:	
Address: (1) Madison Ave Hampton Manor Renaissance, N.Y.			
City/PO:		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?			NO YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO YES
If Yes, list agency(s) name and permit or approval:			<input checked="" type="checkbox"/> <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<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? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <u>Storm Drains</u> <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Harvey Goldstein, Joan Goldstein</u> Date: <u>4/20/15</u>		
Signature: <u>Harvey Goldstein, Joan Goldstein</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>



The Town of East Greenbush

Building Department

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

May 4, 2015

Mr. Harvey Goldstein
1 Madison Avenue
Rensselaer, New York 12144

RE: Building Permit Application
4 Madison Avenue
Tax Map # 155.17-14-2

Dear Mr. Goldstein:

On **April 21, 2015** you submitted a **Building Permit Application** for the above referenced property to convert: **a single family dwelling to a 2 (two) family dwelling.**

The property is located in an area which is zoned: **R-2.**

This document 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 application will **not comply** with the following provisions of the Zoning Law of the Town East Greenbush and Code of The Town of East Greenbush: **Section II Table II-A-use schedule. {See attached}**

Therefore, your application of **April 21, 2015** is hereby **DENIED.**

This objection may be addressed by filing revised plans reflecting conditions which comply with the requirements of the Town Code and Zoning Laws. In the alternative, this denial may be appealed to the Zoning Board of Appeals on forms available from the Planning and Zoning Office, 225 Columbia Turnpike. (518) 694-4011, 8:30-4:30 PM.

Sincerely,

Ronald Stark

Assistant Building Inspector
rstark@eastgreenbush.org

Cc: Zoning Board of Appeals

Table II-A – Use Schedule. This table is intended for general overview purposes and is not meant to be inclusive of all land use types allowed in all districts. For a complete listing of uses allowed in each district, refer to the specific pages regarding each district, which shall dictate in the event of a conflict.

Section 2.4 Use Schedule															
Primary Land Use	Residential							Commercial / Industrial							
	A-R	R-OS	R-B	R-1	R-1A	R-2	R-3	PDD	PPB	B-1	B-2	O	OC	OI	CI
Residential															
Residential; one family residence										1	1	1	1		
Residential; two family residence										1	1	1	1		
Residential; multi-family residence										1	1				
Residential; mixed use with commercial															
Residential; senior housing															
General Business / Non-Residential															
Adult establishment															
Agriculture; horticulture and farming, general															
Agriculture; livestock or dairy															
Agriculture; farm stand or market															
Animal; boarding, horse farm or stables															
Animal; boarding, commercial kennel															
Animal; boarding, veterinary services															
Automotive; sales, new or used															
Automotive; service, wash or storage															
Automotive; gas station															
Boarding; hotel															
Boarding; convention center with hotel															
Boarding; motel															
Boarding; inn or bed & breakfast															
Civic; religious facility															
Civic; cultural facility															
Civic; public facility, bank or government office															
Health / Medical; hospital or clinic, inpatient															
Health / Medical; offices or clinic, outpatient															
Health / Medical; nursing or assisted living home															
Health / Medical; cemetery															
Health / Medical; crematorium															
Parking, off-street or garage															
Parking, off-street or garage, commercial vehicles															
Recreation; commercial amusement															
Recreation; golf course or range															
Recreation; indoor assembly or auditorium															
Recreation; outdoor assembly or amphitheatre															
Recreation; marina															
Recreation; private, veteran/fraternal or social club															
Recreation; public, outdoor park or campground															
Restaurant; indoor, fully enclosed															
Restaurant; with drive-thru or curbside service															
Restaurant; with outdoor seating															
Restaurant; bar or tavern															
Retail; single tenant										1					
Retail; single tenant, < 15,000 s.f.															
Retail; multi tenant shopping center															
Retail; with drive-thru															

See Section 2.9

KEY	Permitted	Note 1: Existing on or before the date of this Section. Note 2: Note 3:
	Special Permit	
	Not Permitted	

APR 21 2015



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

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

Application No. _____
 Permit Issued _____ 20 _____
 Permit Expires _____ 20 _____
 Zoning District _____
 Value of Work \$ _____
 Approved by: _____
 Remarks: _____

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

ANSWER ALL OF THE FOLLOWING: (Please Print)

The owner of this property is: Harvey Goldstein, Joan Goldstein Phone #/Cell# (518) 477-9424
 E-MAIL: _____
 Property Location: 4 Madison Ave Hamilton Manor Park N.Y. SBL #: _____
 Name of Person/Business Responsible for work: JANE Phone # (518) 477-9424
 Contractor Self
 E-MAIL: _____
 Estimated Value of Work: \$? Self painting

NATURE OF PROPOSED WORK (please circle)

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

REQUIREMENTS: All submittals in duplicate

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

INDICATE ON THE PLOT PLAN STREET NAMES; LOCATION AND SIZE OF PROPERTY; LOCATION, 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
1-800-962-7962

***NOTE AREA - ADDITIONAL INFORMATION:**

WOOD FRAME
NO ALTERATIONS - painting cosmetic

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 Harvey Goldstein, Joan Goldstein DATE 4/20/15

SPECIAL CONDITIONS OF THE PERMIT: NONE

BY: _____

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

**TOWN OF EAST GREENBUSH
ZONING BOARD OF APPEALS**

TOWN HALL, 225 COLUMBIA TURNPIKE, RENSSELAER, NY 12144 (518)477-6225 FAX (518)477-2386

MEMORANDUM

TO: Town Clerk

FROM: Alison Lovely

DATE: May 6, 2015

SUBJECT: Board of Appeals – Fees & Certified Mailings Receipt

Attached, please find the following:

Check: #: 1320 Cash: _____ MO: _____ Fee Waived: _____
for a total of: \$373.12

Property Owner: Harvey Goldstein

Property Location: 4 Madison Avenue

Appeal No: 2015-02

Use Variance: X

Area Variance: _____

Special Permit: _____

Interpretation: _____

cc: Zoning Board file
Building Department

Town of East Greenbush
Zoning Board of Appeals

In the matter by:
Harvey & Joan Goldstein
For a Use Variance

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

Appeal No. 2015-02

Whereas, An application has been filed by Harvey & Joan Goldstein; of 1 Madison Avenue, Rensselaer, NY, proposes to convert a single family dwelling into a two family dwelling. This is in violation of the Town's Comprehensive Zoning Law and Town Code of the Town of East Greenbush: Section II, Table II-A Use Schedule. Two family dwellings are not permitted in the R-2 Zoning District.

Whereas, The applicant has filed an appeal requesting a Use Variance at the property located on 4 Madison Avenue, East Greenbush, NY (Tax Map No. 155.17-14-2); and

Whereas, The Board of Appeals has duly published a notice of public hearing regarding this appeal in The Record on May 22, 2015; 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, June 9, 2015 in the Town Hall of the Town of East Greenbush to consider this appeal; and

Whereas, The Planning Board of the Town of East Greenbush at its May 27, 2015 meeting recommended a favorable recommendation of the requested use variance; 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:

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 conversion of a single family dwelling to a two family dwelling be _____ **(GRANTED/DENIED)** with ___ **(NO)** condition(s):

This resolution was moved by _____ and seconded by _____ at a meeting duly held on _____.

(Discussion)

A vote was taken as follows:

Tom Calamaras ___
 Joyce Lapham ___
 Matt Ostiguy ___
 Jeff Pangburn ___
 Domenico Pirrotta ___
 Lou Polsinello III ___
 Bob Seward III ___

**TOWN OF EAST GREENBUSH
BOARD OF APPEALS**

By: _____
Jeff Pangburn, Chairperson

Dated: _____, 2015

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

Copy To:

Harvey & Joan Goldstein
1 Madison Avenue
Rensselaer, NY 12144

Cc: Rensselaer County Planning
Town Clerk
ZBA File No. 2015-02

Via Email: Building Inspector
Assessor

DRAFT