

**Town of North Greenbush  
Zoning Board of Appeals  
2 Douglas Street, Wynantskill NY 12198**

**Application for a Variance, Special Permit,  
and/or Appeal**

Zoning Board Fees as per Chapter 197 Section I

**General Information**

Applicant Number	24-08
Date Application Received	3/18/24
Hearing Scheduled Date	4/10/24
Application Fee	100 - (10)
Approved Date (y/n)	
Conditions	
Denial Date	
Withdrawn Date	

**Applicant:**  
Name: Kyle Mulligan  
Company: \_\_\_\_\_  
Address: 29 David Ave  
Tray, NY 12180  
Phone: (518) 755-5666

**Property Owner:**  
Name: Kyle Mulligan  
Company: \_\_\_\_\_  
Address: 29 David Ave  
Tray, NY 12180  
Phone: (518) 755-5666

Applicant is: Owner ☒ Builder \_\_\_\_\_ Lessee \_\_\_\_\_ Architect/Engineer \_\_\_\_\_ Agent \_\_\_\_\_ Other \_\_\_\_\_  
If Other, Explain: \_\_\_\_\_

**Lot Information**

Street Address of Lot: 29 David Ave Tray, NY 12180

Parcel ID Number: 123.18-9-7 Zoning District: Residential - R1

Irregular Shape of Lot (Y or N) N Corner Lot (Y or N) Y

Existing: Lot Area 17,424 Frontage 150' Depth 116'

Set Backs: Front \_\_\_\_\_ Rear \_\_\_\_\_ Left \_\_\_\_\_ Right \_\_\_\_\_

Proposed: Lot Area 17,424 Frontage 150' Depth 116'

Setbacks: Front \_\_\_\_\_ Rear \_\_\_\_\_ Left \_\_\_\_\_ Right \_\_\_\_\_

Type of Water Service: TOWN Type of Sanitary Disposal: Septic/Leach field

Describe Existing Use:  
Lawn/Home/Residential

Type of Request: ☒ Area Variance ☐ Use Variance  
☐ Special Permit ☐ Code Interpretation

Briefly describe the proposal:

Installing a pool (21' by 54") in the left side facing front/side of the lot with a 8'6" setback from our property line.

**Abutters- Adjacent Property Owners**

List the name and address for each adjacent property owners. Use additional paper if needed.

	Name:	Address:	Property Use:
Front	<u>Joe Woods</u>	<u>30 David Ave Tray, NY 12180</u>	<u>Residential</u>
Rear	<u>Joe Carbararo</u>	<u>443 Winter St at Tray, NY 12180</u>	<u>Residential</u>
Left	<u>Dave and Diane Hansen</u>	<u>27 David Ave Tray, NY 12180</u>	<u>Residential</u>
Right	<u>None</u>		

## Required Submittals

- ☒ A plot plan showing all property lines, dimensions, adjacent streets, existing structures, setback distances, and location of proposed changes.
- ☒ Part 1 of the State Environmental Quality Review (SEQR) Short Environmental Form
- ☒ Appropriate fee, as determined by the Code of the Town of North Greenbush, and as Calculated by the Building Department

**NOTE: Additional submittals may be required by the Zoning Board of Appeals.  
Failure to submit all required documents may result in a delay  
in the processing or denial of the application.**

Have there been any other variances issued for this property? (Y or N) Y

If yes, explain:

10 years ago, I had a variance to have my shed in the front yard. Around 5 years ago, we moved the shed to the back yard after removing the trees.

**For any Area Variance Request, please complete the following:**

Proposed use/construction: Pool  
(Single family home, commercial building, addition, deck, pool, accessory building, sign, fence, etc)

existing Home

	REQUIRED	PROPOSED
Lot Size:	17,424 sq. feet	Same
Width at set back:	150'	
Front Setback:	75'	52' to Pool
Rear Setback:	20'	48' to Pool
Left Side Setback:	20'	8'6" to Pool
Right Side Setback:	20'	95' to Pool
Maximum Lot Coverage:		346 sq foot Pool
Maximum Height:		Same

For Multi-family Residential / Non- Residential Area Variances, please complete the following:

	REQUIRED	PROPOSED
Number of Parking Spaces:		
Buffer:		
Units per Acre:		

### Area Variance Continued

1. Explain how no undesirable change will be produced in the character of the neighborhood; nor a detriment to nearby properties created by granting the area variance.

The proposed pool will only enhance the look of the neighborhood. It is good looking and a positive to see kids playing. The pool will pose no threat or nuisance to adjacent properties.

2. Explain why the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an Area Variance.

With the dimensions of our lot there is no location where a pool can be installed that is not in the front yard or being closer than 20' to property lines.

3. Describe whether the requested Area Variance is substantial.

The property and existing structures prevent a pool to be installed in any feasible location that would not require a variance. The septic system/leach field is on right/front side of lot and a glacial rock covers middle front of lot.

4. Explain how the proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood or district.

Granting the proposed variance will not produce an undesirable change to the neighborhood. It would not block any view and would be consistent with the character of the neighborhood. The previous owner had a pool in same area.

5. Explain whether difficulty is self-created. (Consideration is relevant, but should not necessarily preclude the granting of the Area Variance.)

Difficulty is not self-created because the land and existing housing structure was purchased and has remained with the same setbacks since April 2013.

Explain why granting the request is consistent with the public health, safety, and general welfare of the community, including the public or commercial inconvenience of the applicant.

For **Home Occupation Request**, please see Town of North Greenbush Code Sections 197-3 and 197-24

For **Earthwork Permit**, Please see Town of North Greenbush Code Section 197-30

For **Telecommunication Tower Permit**, Please see Town of North Greenbush Code Section 197- 107

### Appeal Criteria

Explain the nature of the requested appeal, including Town Code Section, Building Department decision, and your objections.

### Certification and Authorization

I certify that the information contained in this application is true to the best of my knowledge and I authorize the Town of North Greenbush to process this application as provided by law.

Applicant:

Property owner:

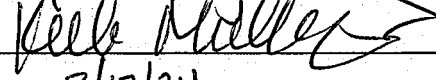
Name:

Kyle Mulligan

Kyle Mulligan

Signature:





Date:

3/17/24

3/17/24

#### **FEES as per Town Code Chapter 197**

Special Permits for a residential single parcel: \$50

Special Permit for non-residential parcel: \$150

Area Variance for a single residential parcel: \$100.00

Area Variance for a non- residential parcel: \$300.00

Use Variance for a single residential parcel: \$200.00

Use Variance for a non-residential parcel: \$500.00

617.20

## Short Environmental Assessment Form

## Instructions for Completing

Please refer to this link for step by step assistance: <http://www.dec.ny.gov/permits/90156.html>

Part 1- Project information. The applicant or project sponsor is reliable 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; attached additional pages as necessary to supplement any item.

Part 1- Project and Sponsor Information		
Name of Action or Project: <u>Pool Installation</u>		
Project Location (Describe, and attach a location map): <u>South/middle of Parcel ID number 3832001231897, 29 David Ave Troy, NY 12180</u>		
Brief Description of Proposed Action: <u>An installation of a 21' round 54" high above ground pool on the left side of our property. The set back to the left property line would only be 8'6" and is under the required 20' from all property lines. The pool would not be close to any other property line.</u>		
Name of Applicant or Sponsor: <u>Kyle Mulligan</u>	Telephone: <u>(518) 755-5616</u> E-Mail: <u>KFM300@aol.com</u>	
Address: <u>29 David Ave</u>		
City/PO: <u>Troy</u>	State: <u>NY</u>	Zip Code: <u>12180</u>
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.	YES	NO
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If yes, list agency(s) name and permit or approval:	YES	NO
3. a. Total acreage of the site of the proposed action? <u>.40</u> Acres		
b. Total acreage to be physically disturbed? <u>.009</u> Acres		
c. Total acreage (Project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u>.40</u> Acres		
4. Check all land uses that occur on, adjoining and near the proposed action.		
<input type="checkbox"/> Urban <input type="checkbox"/> Rural <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,		
		<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">YES</div> <div style="margin-left: 20px;">NO</div>

a. A permitted use under the Zoning regulations?	YES	NO
b. Consistent with the adopted comprehensive plan?		
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	YES	NO
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If yes, identify:	YES	NO
		2
8.	YES	NO
a. Will the proposed action result in a substantial increase in traffic above present levels?		2
b. Are public transportation service(s) available at or near the site of the proposed action?		2
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		2
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:	YES	NO
		2
10. Will the proposed action connect to an existing public/private water supply? If no, describe method for providing wastewater treatment:	YES	NO
NA		2
11. Will the proposed action connect to existing wastewater utilities? If no, describe method for providing wastewater treatment:	YES	NO
NA		2
12.	YES	NO
a. Does the site contain a structure that is listed on either the State or National Register of Historic places?		2
b. Is the proposed action located in an archeological sensitive area?		2
13.	YES	NO
a. does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other water bodies regulated by a federal, state or local agency?		2
b. Would the proposed action physically alter, or encroach into, any existing wetland or water body? If yes, identify the wetland or water body and extent of alterations in square feet or acres:		2
14. Identify the typical habit types that occur on, or are likely to be found on the project site. Check all that apply:	YES	NO
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?	YES	NO
		2
16. Is this project site located in the 100 year flood plan?	YES	NO
		2
17. Will the proposed action create storm weather discharge, either from point or non- point sources? If yes,	YES	NO
a. Will storm water discharge flow to adjacent properties?		2

b. Will storm water discharges be directed to establish conveyance systems (runoff and storm drains)? If yes, briefly describe _____		
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: _____	YES	<input checked="" type="radio"/> NO 2
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: _____	YES	<input checked="" type="radio"/> NO 2
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: _____	YES	<input checked="" type="radio"/> NO 2
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/ Sponsor name: <u>Kyle Mulligan</u> Date: <u>4/3/17</u> Signature: <u>[Signature]</u>		

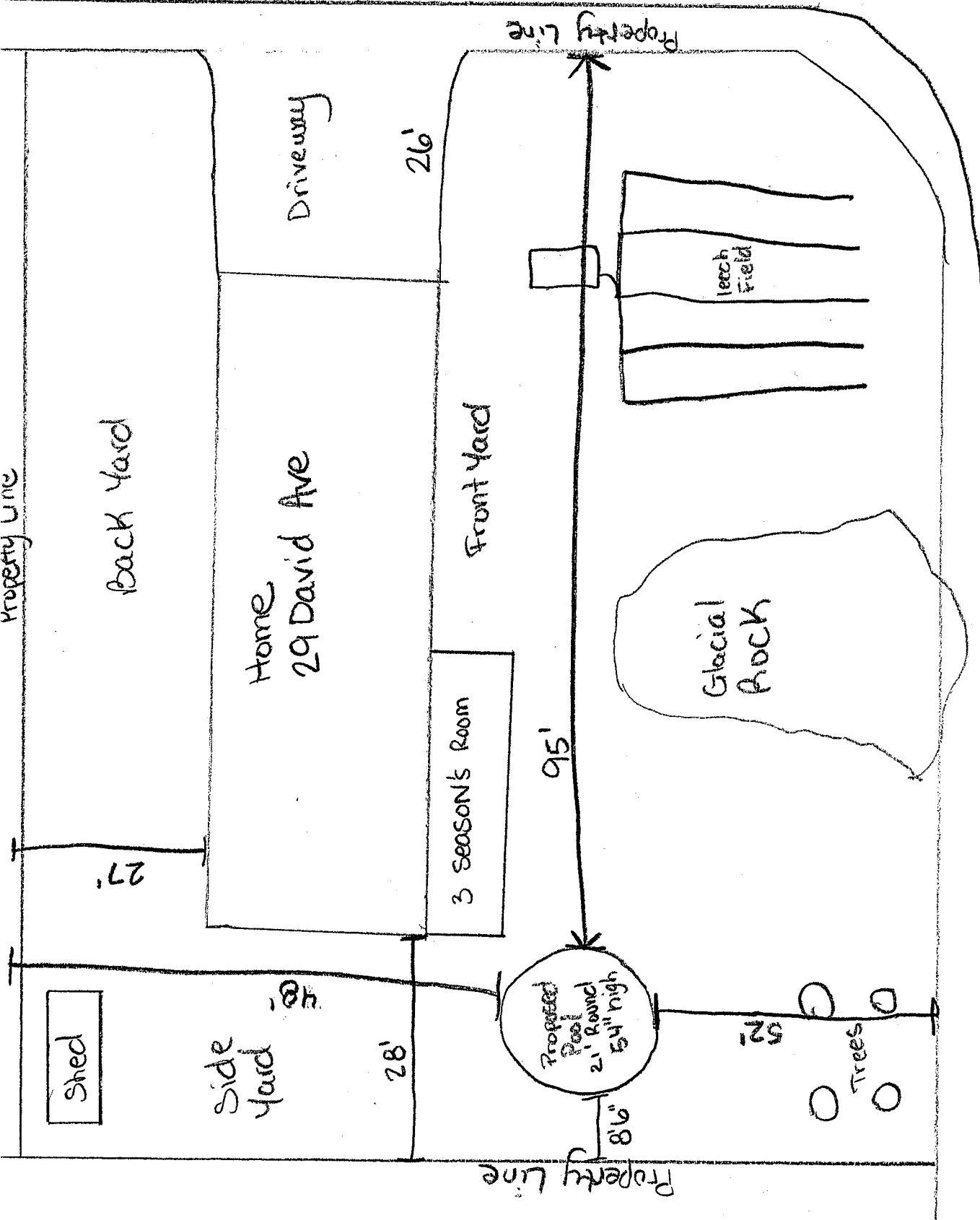
**Part 2- Impact Assessment.** The Leaf Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions 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?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the Proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		
7. Will the proposed action impact existing: a. public / private water supplies b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

**Part 3- Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significance adverse environmental impact, please complete part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short- term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____ Name of Lead Agency	_____ Date
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

Waldron Dr



David Ave