

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	25-11-
Date Application Received	4/25/25
Hearing Scheduled Date	5/14/25
Application Fee	100- PD
Approved Date	Conditions (y/n)
Denial Date	Withdrawn Date
Zoning Chairperson	

Applicant:
Name: NGUYEN HUYNH, CARSON DUNBAR
EMAIL: N.HUYNH1327@GMAIL.COM
Company: N/A
Address: 281 WINTER ST EXT. TROY NY 12180
Phone: 518 960 8472

Property Owner:
Name: NGUYEN HUYNH
EMAIL:
Company:
Address:
Phone:

Applicant is: Owner ☒ Builder ☐ Lessee ☐ Architect/Engineer ☐ Agent ☐ Other ☐
If Other, Explain: _____

Lot Information

Street Address of Lot: 281 Winter St Ext.

Parcel ID Number: 123.11-6-77 Zoning District: R1

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

Existing: Lot Area 1.5 Ac Frontage 34.08' Depth 801'

Set Backs: Front _____ Rear _____ Left _____ Right _____

Proposed: Lot Area _____ Frontage _____ Depth _____

Setbacks: Front _____ Rear _____ Left _____ Right _____

Type of Water Service: TOWN WATER Type of Sanitary Disposal: TOWN SEWER

Describe Existing Use:

RESIDENCE SINGLE FAMILY DWELLING

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

Briefly describe the proposal:

AREA VARIANCE TO ALLOW DETACHED GARAGE IN FRONT YARD AND 3 TOTAL ACCESSORY STRUCTURES CONSISTENT WITH PERMITTED USES.

Abutters- Adjacent Property Owners

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

Name:	Address:	Property Use:
Front N/A	N/A	N/A
Rear + LEFT: WINTER WHITEVIEW HOMEOWNERS ASS. INC.	9 KILKENNY CT, SCHENECTADY NY 12309	VACANT LAND
Left RIGHT MARY ALICE LURRY	13 CRIMSON CIR, TROY NY 12180	R66: 1
Right PAUL FIACCO	13 CRIMSON CIR, TROY NY 12180	R1
RIGHT MICHAEL MOSCATIELLO	11 CRIMSON CIR, TROY NY 12180	R1
RIGHT MICHAEL M. PALOSKI	9 CRIMSON CIR, TROY NY 12180	R1

Kc:/zba/zba application

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) N

If yes, explain:

N/A

For any Area Variance Request, please complete the following:

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

Lot Size:

Width at set back:

Front Setback:

Rear Setback:

Left Side Setback:

Right Side Setback:

Maximum Lot Coverage:

Maximum Height:

REQUIRED			PROPOSED		
20000 ft ²			65340 ft ²		
110 ft HOUSE			150' HOUSE		
ACC. STRUCT. < 1600 ft ²			ACC. STRUCT. < 1600 ft ²		
35'			35'		
N/A			10'		
35'			35'		
10'			10'		
20'			20'		
10'			10'		
20'			20'		
10'			10'		
10%			< 4.24%		
< 1600 ft ² TOTAL			< 1600 ft ² TOTAL		
2 STORY			1.7 STORY		
16'			16'		

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

Number of Parking Spaces:

Buffer:

Units per Acre:

REQUIRED	PROPOSED

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.

ALLOWING A GARAGE IN THE FRONT YARD WILL HAVE NO DETRIMENT TO THE CHARACTER OF THE NEIGHBORHOOD. IT WILL ALLOW VEHICLES, SPORTING EQUIPMENT, AND TOOLS TO BE HOUSED IN A SAFE AND TIDY MANNER, WHICH WILL REDUCE VISUAL CLUTTER. DUE TO THE FLAGPOLE LOT, THE FRONT YARD IS SET BACK FAR FROM THE ROAD AND IS LARGELY SHIELDED BY LANDSCAPED TREES.

ALLOWING A THIRD ACCESSORY STRUCTURE WILL HAVE NO DETRIMENT TO THE CHARACTER OF THE NEIGHBORHOOD. IN ADDITION TO A DETACHED GARAGE, A GARDEN SHED AND GREENHOUSE ARE SOUGHT. A GARDEN SHED ALLOWS GARDENING EQUIPMENT TO BE HOUSED IN A SAFE AND TIDY MANNER IN PROXIMITY TO THE GARDEN. A GREENHOUSE EXTENDS THE GROWING SEASON AND ALLOWS GREATER VERSATILITY IN WHAT PLANTS MAY BE GROWN. BOTH STRUCTURES CAN CONTRIBUTE TO THE EFFICACY AND CHARM OF A MANAGED GARDEN.

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.

THE TERRAIN OF THE LOT MAKES THE PLACEMENT OF A GARAGE IN THE REAR YARD UNSAFE/IMPRactical FOR REGULAR, TYPICAL USE. THERE IS PLENTY OF LEVEL, USABLE SPACE IN THE FRONT YARD. BY THEIR NATURE, GREENHOUSES SHOULD BE KEPT HUMID AND STORAGE SHEDS SHOULD BE KEPT DRY. THESE STRUCTURES MUST BE SEPARATE.

3. Describe whether the requested Area Variance is substantial.

BECAUSE THE VARIANCE WILL HAVE NO OR LIMITED IMPACT ON NEIGHBORS, IT WILL IMPROVE THE SAFETY, CLEANLINESS, AND FUNCTIONALITY OF THE SUBJECT LOT. ~~THE PROPOSED VARIANCE~~ SMALL REQUESTED STRUCTURES ARE CONSISTENT WITH PERMITTED ACCESSORY USES FOR THE DISTRICT, THE REQUESTED VARIANCE IS NOT SUBSTANTIAL.

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

THE INDOOR STORAGE OF VEHICLES, TOOLS, AND EQUIPMENT HAS A POSITIVE EFFECT ON THE PHYSICAL AND ENV. CONDITIONS OF THE NEIGHBORHOOD. ALLOWING THE APPROPRIATE ACCESSORY STRUCTURES FOR THE MAINTENANCE AND ENHANCEMENT OF A GARDEN LIKEWISE ENABLE POSITIVE PHYS. ENV. EFFECTS SUCH AS INCREASED STORM WATER RETENTION, INCREASED BIODIVERSITY, FLOWERS FOR POLLINATORS, AND AESTHETICS.

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

YES, THE CONSTRUCTION OF ACCESSORY STRUCTURES IS SELECTIVE. HOWEVER, THERE ARE NUMEROUS BENEFITS TO THE REQUESTOR, NEIGHBORS, & ENVIRONMENT.

For Use Variance Applications, please complete the following: N/A

Describe the request use: _____

1. Explain why the application cannot realize a reasonable return without the Use Variance, as demonstrated by the content financial evidence.

2. Explain how the alleged hardship relating to the property is unique, and does not apply to a substantial portion of the neighborhood.

3. Describe why granting the requested use variance will not alter the essential character of the neighborhood.

Explain whether the alleged hardships have been self- created.

Describe in Detail your request:

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.

AS EXPLAINED IN PREVIOUS SECTIONS, GRANTING THE VARIANCE HAS LITTLE TO NO NEGATIVE IMPACT ON THE COMMUNITY. AT MOST, THE CONCERN WOULD BE UGLY. HOWEVER, THERE ARE CLEAR BENEFITS TO CLEANLINESS/TIDINESS, SAFETY, AND THE ENVIRONMENT. FURTHER, THE VARIANCE ALLOWS THE REQUESTOR TO CARRY OUT CUSTOMARY PERMITTED ACCESSORY USES (GARAGE, SHOP, GREENHOUSE) FOR THE DISTRICT, WHILE MAKING ACCOMMODATION FOR THE UNIQUE LAYOUT AND TERRAIN OF THE PROPERTY.

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.

N/A

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:	NGUYEN HUYNH	CARSON DUNBAR
Signature:		
Date:	24 APR 2025	24 APR 2025

<u>FEES as per Town Code Chapter 197:</u>	
Special Permits for a residential single parcel:	\$50.00
Area Variance for a single residential parcel:	\$100.00
Use Variance for a single residential parcel:	\$200.00
Plus reimbursement of legal and engineering expenses per 95-4 for all variances & special permit applications	

Short Environmental Assessment FormInstructions 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>Accessory structure variance</u>						
Project Location (Describe, and attach a location map): <u>281 Winter street Ext., TROY, NY, 12180</u>						
Brief Description of Proposed Action: <u>Construction of accessory structures</u>						
Name of Applicant or Sponsor: <u>Nguyen Huynh</u> <u>Carson Dunbar</u>		Telephone: <u>518-960-8472</u> E-Mail: <u>n.huynh1827@gmail.com</u>				
Address: <u>281 Winter Street Ext.</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.		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">YES</td> <td style="width: 50%;">NO</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>	YES	NO		X
YES	NO					
	X					
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:		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">YES</td> <td style="width: 50%;">NO</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>	YES	NO		X
YES	NO					
	X					
3. a. Total acreage of the site of the proposed action?		<u>1.5</u> Acres				
b. Total acreage to be physically disturbed?		<u>0.02</u> Acres				
c. Total acreage (Project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>1.5</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,		YES NO				

a. A permitted use under the Zoning regulations?	YES	NO
b. Consistent with the adopted comprehensive plan?	X	
	X	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	YES	NO
	X	
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
		X
8.	YES	NO
a. Will the proposed action result in a substantial increase in traffic above present levels?		X
b. Are public transportation service(s) available at or near the site of the proposed action?		X
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		X
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
		X
10. Will the proposed action connect to an existing public/private water supply? If no, describe method for providing wastewater treatment:	YES	NO
	X	
11. Will the proposed action connect to existing wastewater utilities? If no, describe method for providing wastewater treatment:	YES	NO
	X	
12.	YES	NO
a. Does the site contain a structure that is listed on either the State or National Register of Historic places?		X
b. Is the proposed action located in an archeological sensitive area?		X
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?		X
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:		X
14. Identify the typical habit types that occur on, or are likely to be found on the project site. Check all that apply: Suburban	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
		X
16. Is this project site located in the 100 year flood plan?	YES	NO
		X
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?		X

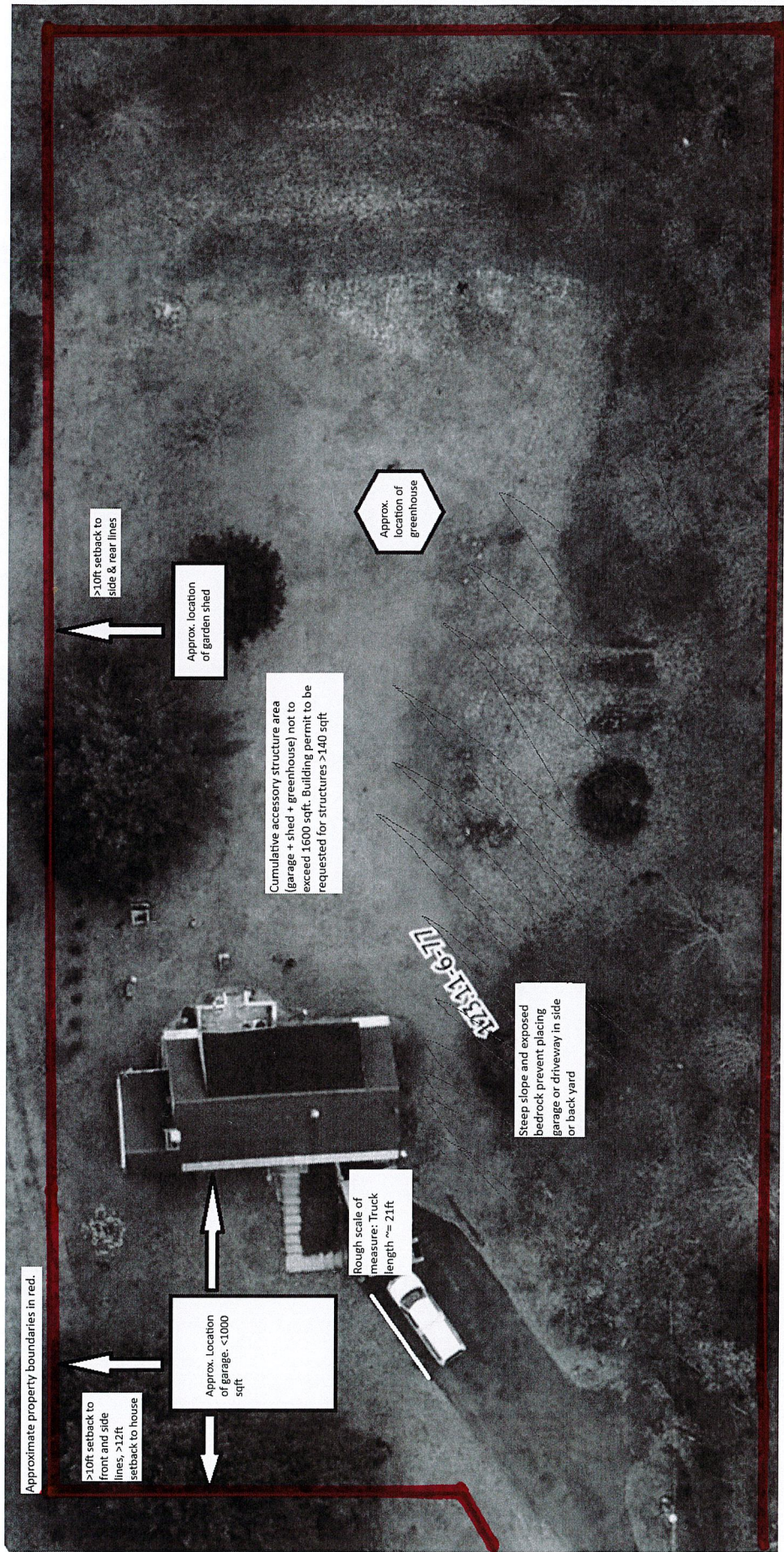
b. Will storm water discharges be directed to establish conveyance systems (runoff and storm drains)? If yes, briefly describe _____ _____		N/A
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If yes, explain purpose and size: _____	YES	NO X
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	NO X
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	NO X
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/ Sponsor name: <u>Nguyen Huynh</u> <u>CARSON DUNBAR</u> Date: <u>24 APR 2025</u> <u>24 APR 2025</u> Signature: <u>Nguyen Huynh</u> <u>Carson Dunbar</u>		

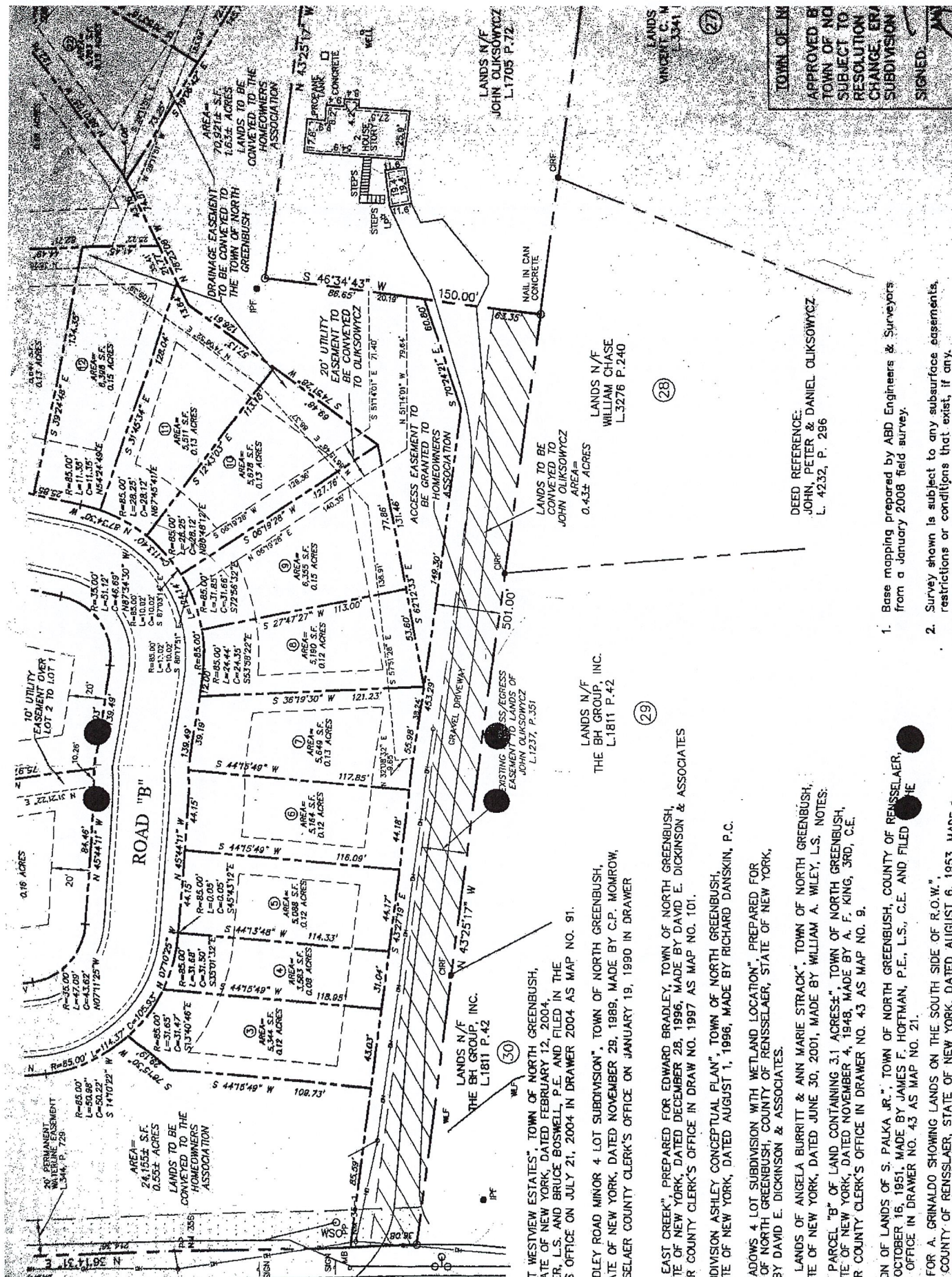
Part 2- Impact Assessment. The Leaf Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the 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)





T WESTVIEW ESTATES", TOWN OF NORTH GREENBUSH,
STATE OF NEW YORK, DATED FEBRUARY 12, 2004,
R, L.S. AND BRUCE BOSWELL, P.E. AND FILED IN THE
S OFFICE ON JULY 21, 2004 IN DRAWER 2004 AS MA

"DILEY ROAD MINOR 4 LOT SUBDIVISION", TOWN OF NORTH GREENBUSH,
 DATE OF NEW YORK, DATED NOVEMBER 29, 1989, MADE BY C.P. MOMROW,
 SHELBAER COUNTY CLERK'S OFFICE ON JANUARY 19, 1990 IN DRAWER

EAST CREEK", PREPARED FOR EDWARD BRADLEY, TOWN OF NORTH GREENBUSH,
STATE OF NEW YORK, DATED DECEMBER 28, 1996, MADE BY DAVID E. DICKINSON &
R COUNTY CLERK'S OFFICE IN DRAW NO. 1997 AS MAP NO. 101.

DIVISION ASHLEY CONCEPTUAL PLAN", TOWN OF NORTH GREENBUSH,
 TOWN OF NEW YORK, DATED AUGUST 1, 1996, MADE BY RICHARD DANKIN, P.C.

ADOWS & LOT SUBDIVISION WITH WETLAND LOCATION", PREPARED FOR
COUNTY OF NORTH GREENBUSH, COUNTY OF RENSSELAER, STATE OF NEW YORK,
BY DAVID E. DICKINSON & ASSOCIATES.

LANDS OF ANGELA BURRITT & ANN MARIE STRACK", TOWN OF NORTH GREENBUSH,
 TIE OF NEW YORK, DATED JUNE 30, 2001, MADE BY WILLIAM A. WILEY, L.S. NOTES:

PARCEL "B" OF LAND CONTAINING 3.1 ACRES[±], TOWN OF NORTH GREENBUSH,
STATE OF NEW YORK, DATED NOVEMBER 4, 1948, MADE BY A. F. KING, 3RD, C.E.

ON OF LANDS OF S. PALKA JR., TOWN OF NORTH GREENBUSH, COUNTY OF RENSSELAER,
OCTOBER 16, 1951, MADE BY JAMES F. HOFFMAN, P.E., L.S., C.E. AND FILED IN THE
OFFICE IN DRAWER NO. 43 AS MAP NO. 21.


FOR A. GRINALDO SHOWING LANDS ON THE SOUTH SIDE OF R.O.W. N.

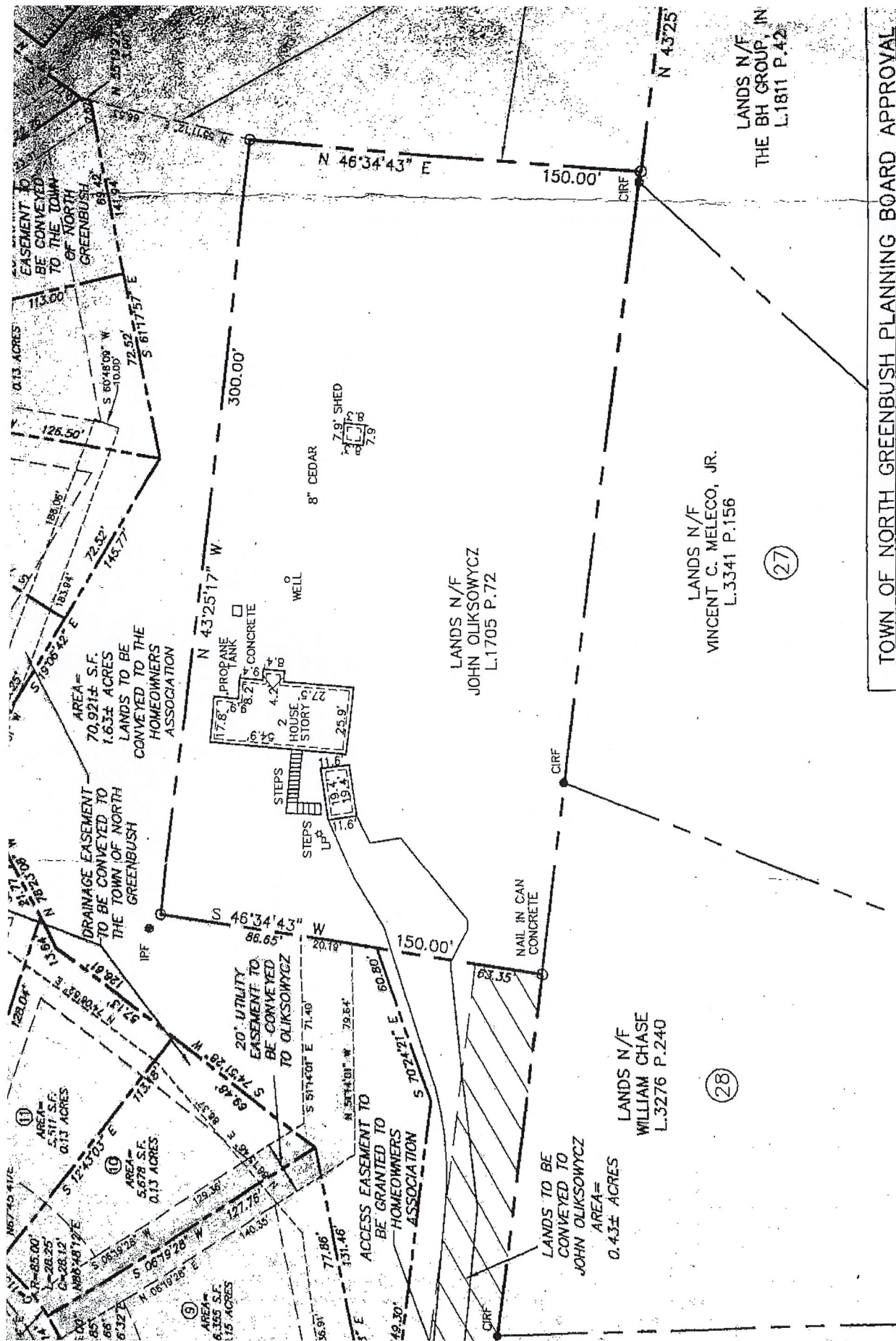
COUNTY OF RENSSLAER, STATE OF NEW YORK. DATED AUGUST 6, 1953. MADE

DEED REFERENCE:
JOHN, PETER & DANIEL OLIKOWYCZ
L. 4232, P. 296

1. Base mapping prepared by ABD Engineers & Surveyors from a January 2008 field survey.

2. Survey shown is subject to any subsurface easements, restrictions or conditions that exist, if any.

TOWN OF IN
APPROVED BY
TOWN OF IN
SUBJECT TO
RESOLUTION
CHANGE, ERA
SUBDIVISION
SIGNED: 



DEED REFERENCE:
JOHN, PETER & DANIEL OLKOWYCZ

TOWN OF NORTH GREENBUSH PLANNING BOARD APPROVAL

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF NORTH GREENBUSH, NEW YORK ON NOVEMBER 3, 2004