

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	<u>25-19</u>
Date Application Received	<u>7/1/25</u>
Hearing Scheduled Date	<u>7/16/25</u>
Application Fee	<u>100.00</u> (pd)
Approved Date	_____ Conditions (y/n) _____
Denial Date	_____ Withdrawn Date _____
Zoning Chairperson	<u>R. FRENCH</u>

<u>Applicant:</u>		<u>Property Owner:</u>	
Name:	<u>Diana Panichi Maloy</u>	Name:	<u>Diana Maloy</u>
EMAIL:	<u>dianam@benetechadvantage.com</u>	EMAIL:	<u>dianam@benetechadvantage.com</u>
Company:	<u>N/a</u>	Company:	<u>N/a</u>
Address:	<u>7 Ashcroft Street</u>	Address:	<u>7 Ashcroft Street</u>
	<u>Wynantskill, NY 12198</u>		<u>Wynantskill, NY 12198</u>
Phone:	<u>(518) 852-9606</u>	Phone:	<u>(518) 852-9606</u>

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

Lot Information

Street Address of Lot: 7 Ashcroft Street, Wynantskill, NY 12198

Parcel ID Number: 124.6-10-6 Zoning District: H
Irregular Shape of Lot (Y or N) N Corner Lot (Y or N) N
Existing: Lot Area _____ Frontage _____ Depth _____
Set Backs: Front _____ Rear _____ Left _____ Right _____
Proposed: Lot Area _____ Frontage _____ Depth _____
Setbacks: Front 19 Rear 23 Left 12 Right 24.3
Type of Water Service: Public Type of Sanitary Disposal Sewer

Describe Existing Use:

SINGUE FAMILY DWELLING

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

Briefly describe the proposal:

Requesting a variance for an oval shaped above ground pool 12X24

Abutters- Adjacent Property Owners

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

	<u>Name:</u>	<u>Address:</u>	<u>Property Use:</u>
Front	_____	_____	_____
Rear	<u>Blake Goff & Nicole Georgiou</u>	<u>8 Dodge Street</u>	<u>residential</u>
Left	<u>Tina & John Panichi</u>	<u>1 Dodge Street</u>	<u>commercial</u>
Right	<u>June Dupont & Steven Bratigan</u>	<u>9 Ashcroft Street</u>	<u>residential</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) N

If yes, explain:

For any Area Variance Request, please complete the following:

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

	REQUIRED	PROPOSED
Lot Size:		
Width at set back:		
Front Setback:		
Rear Setback:	20 Feet	23 Feet
Left Side Setback:	20 Feet	12 Feet
Right Side Setback:	20 Feet	24.3 Feet
Maximum Lot Coverage:		
Maximum Height:		

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

	REQUIRED	PROPOSED
Number of Parking Spaces:	N/A	
Buffer:	N/A	
Units per Acre:	N/A	

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 change is an above ground swimming pool in the backyard surrounded by a 6 foot high privacy fence. It is not visible, nor is it detrimental to the neighborhood.

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.

Because the lot is only 50 feet wide the pool dimensions (12 X 24) will not meet the setback requirements regardless of how it is configured in the yard.

3. Describe whether the requested Area Variance is substantial.

The requested variance is only affecting one lot line (left), which abuts a commercial property with a six foot high privacy fence.

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

We believe an above ground pool behind a privacy fence in a residential neighborhood not have any adverse impacts on the neighborhood.

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

Finding a pool with dimensions to meet the setback requirements wasn't available, therefore we are requesting a variance.

For Use Variance Applications, please complete the following:

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.

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

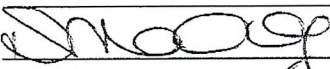
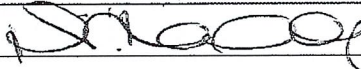
For **Telecommunication Tower Permit**, Please see Town of North Greenbush Code Section 197- 107

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:	Diana Maloy	Diana Maloy
Signature:		
Date:	07/01/2025	07/01/2025

<u>FEES as per Town Code Chapter 197:</u>			
Special Permits for a residential single parcel:	\$50.00	Special Permit for non-residential parcel:	\$150.00
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
Plus reimbursement of legal and engineering expenses per 95-4 for all variances & special permit applications			
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 I- Project information. The applicant or project sponsor is reliable for the completion of part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I 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 I. 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 I- Project and Sponsor Information							
Name of Action or Project: Oval shaped above ground pool 12X24.							
Project Location (Describe, and attach a location map): 7 Ashcroft Street, Wynantskill, NY 12198							
Brief Description of Proposed Action: Oval shaped above ground pool request.							
Name of Applicant or Sponsor: Diana Maloy		Telephone: (518) 852-9606 E-Mail: dianam@benetechadvantage.com					
Address: 7 Ashcroft Street							
City/PO: Wynantskill	State: NY	Zip Code: 12198					
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> <th style="width: 50%;">YES</th> <th style="width: 50%;">NO</th> </tr> <tr> <td style="text-align: center;"> </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> <th style="width: 50%;">YES</th> <th style="width: 50%;">NO</th> </tr> <tr> <td style="text-align: center;"> </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>0.17</u> Acres b. Total acreage to be physically disturbed? <u>0.07</u> Acres c. Total acreage (Project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u>0.17</u> Acres							
4. Check all land uses that occur on, adjoining and near the proposed action. ☐ Urban ☐ Rural ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (Specify): _____ ☐ Parkland							
5. Is the proposed action,			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">YES</th> <th style="width: 50%;">NO</th> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;">X</td> </tr> </table>	YES	NO		X
YES	NO						
	X						

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
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	YES	NO
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 the site of the proposed action?		☒
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
10. Will the proposed action connect to an existing public/private water supply? If no, describe method for providing wastewater treatment:	YES	NO
11. Will the proposed action connect to existing wastewater utilities? If no, describe method for providing wastewater treatment:	YES	NO
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic places?	YES	NO
b. Is the proposed action located in an archeological sensitive area?		☒
13. 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?	YES	NO
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:		☒
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
16. Is this project site located in the 100 year flood plan?	YES	NO
17. Will the proposed action create storm weather discharge, either from point or non- point sources? If yes, a. Will storm water discharge flow to adjacent properties?	YES	NO

b. Will storm water discharges be directed to establish conveyance systems (runoff and storm drains)? If yes, briefly describe _____		X
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>Diana Maloy</u>		
Date: <u>07/01/2025</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?	X	
2. Will the proposed action result in a change in the use or intensity of use of land?	X	
3. Will the proposed action impair the character or quality of the existing community?	X	
4. Will the Proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
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?	X	
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?	X	
7. Will the proposed action impact existing: a. public / private water supplies b. public / private wastewater treatment utilities?	X X	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora and fauna)?	X	
10. Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems?	X	
11. Will the proposed action create a hazard to environmental resources or human health?	X	

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.

- ☐ 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.
- ☐ 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)

PLOT PLAN

How far from property lines will your Swimming Pool be?

Must be at least 20 feet from property lines – if not, you will need to request an area variance from the ZBA

How many feet from back property line: 23

Left Side: 12 feet from property line

Right Side: 24.3 feet from property line

Please hand draw where your swimming pool will be in your yard



HOUSE

Front of House

❖ PLOT PLANS SHALL INCLUDE:

- ❖ Show bordering roads
- ❖ Show existing structures with setbacks to property lines
- ❖ Show proposed structures (pool and/or deck) with setbacks to property lines
- ❖ The property line at roads is not the edge of pavement (measure from center of road to ½ the distance of the Right of Way [typical-50 ft R.O.W.]

I understand that I must close out this permit and call for all inspections in order to receive the Certificate of Compliance before the pool is used. If a final inspection is not scheduled or a permit renewal is not issued, the building permit may be closed out without the issuance of a C.O. or C.C. – this can be an issue if you sell or refinance your home. We appreciate your cooperation!

Print Name: Diana maly

Signature: [Handwritten Signature]