

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>25-26</u>
Date Application Received	<u>10/29/25</u>
Hearing Scheduled Date	<u>11/12/25</u>
Application Fee	<u>\$100</u>
Approved Date _____	Conditions _____
(y/n) _____	
Denial Date _____	Withdrawn _____
Date _____	

Applicant:
Name: Dave Mulino
Company: Capital Area Properties, LLC
Address: 1 Coyote Lane
Troy NY 12180
Phone: 518-857-1374

Property Owner:
Name: Dave Mulino
Company: Capital Area Properties, LLC
Address: 1 Coyote Lane
Troy NY 12180
Phone: 518-857-1374

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

Lot Information

Street Address of Lot: Pheasant Lane - Lot 13 33 Pheasant LANE

Parcel ID Number: 123.11-7-11 Zoning District: R-2

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

Existing: Lot Area 20,062 Frontage 90.38 Depth 129

Set Backs: Front 35 Rear 35 Left 20 Right 20

Proposed : Lot Area 20,062 Frontage 90.38 Depth 129

Setbacks: Front 25 Rear 35 Left 20 Right 20

Type of Water Service: PUBLIC Type of Sanitary Disposal PUBLIC

Describe Existing Use:

Vacant

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

Briefly describe the proposal:

New residential

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>Ridge Creek Condos LLC</u>	<u>1900 Western Ave</u>	<u>Vacant</u>
Rear	<u>Town of North Greenbush</u>	_____	_____
Left	_____	_____	_____
Right	_____	_____	_____

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: Residential single family home
(Single family home, commercial building, addition, deck, pool, accessory building, sign, fence, etc)

	REQUIRED	PROPOSED
Lot Size:	20,000 sf	20,062 sf
Width at set back:	110 lf	110.8 lf
Front Setback:	35 ft	25 lf
Rear Setback:	35 ft	35 lf
Left Side Setback:	20 ft	20 ft
Right Side Setback:	20 ft	20 ft
Maximum Lot Coverage:	10%	10%
Maximum Height:	2 story	2 story

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 setback is part of new subdivision and the house being 10' closer to the road will not be that significant

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 parcel has a steep drop off in the rear yard and therefore the only method possible is to move the house forward.

3. Describe whether the requested Area Variance is substantial.

The reduction in front setback from 35' to 25' represents a 30% reduction. we would not consider that Substantial.

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

as noted in number one above this is a new subdivision and moving the house forward will not create any adverse impacts.

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

The steep slopes in the rear of the lot is what is creating the request for the front setback reduction.

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.

Allowing the house on this lot to move forward 10' will provide a safer environment for the owner and will benefit the applicant without adding any inconvenience to the public.

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

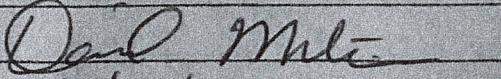
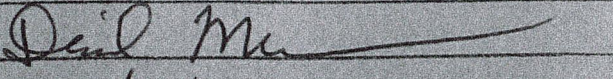
Explain the nature of the requested appeal, including Town Code Section, Building Department decision, and your objections.

Chapter 197 of Zoning - Table 2 Schedule of Area and Bulk Regulations.

Minimum front setback

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:	Mr. David Mulinio	same
Signature:		
Date:	10/27/25	10/27/25

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

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.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Pheasant Lane & Meadowlark Lane Front Setback Variance			
Project Location (describe, and attach a location map): Pheasant Lane and Meadowlark Lane -North Greenbush			
Brief Description of Proposed Action: Applicant proposes to reduce the front setback for lot 13(TM# 123.11-7-11) from 35 feet to 25 feet.			
Name of Applicant or Sponsor: Capital Area Properties, LLC - C/O Dave Mulinio		Telephone: 518-857-1374	
		E-Mail: dmulinio@yahoo.com	
Address: 1 Coyote Lane			
City/PO: Troy	State: NY	Zip Code: 12180	
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 ☐
			YES ☒
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: North Greenbush Town Board - Sewer District Extension			NO ☐
			YES ☒
3. a. Total acreage of the site of the proposed action? 23.3 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? 23.3 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban)			
☒ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☒	☐	☐
b. Consistent with the adopted comprehensive plan?	☒	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services 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?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☒	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☐	
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?	NO	YES	
	☒	☐	
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?	☐	☒	
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?	NO	YES	
	☐	☒	
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: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☒ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ 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
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
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?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☒	☐
If Yes, briefly describe: _____ _____		
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
	☒	☐
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
	☒	☐
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
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>David Mulinio</u> Date: <u>10/27/25</u> Signature: <u>[Signature]</u> Title: <u>Owner</u>		

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	NO
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
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
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/ Sponsor name: _____		
Date: _____		
Signature: _____		

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.

☐ 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

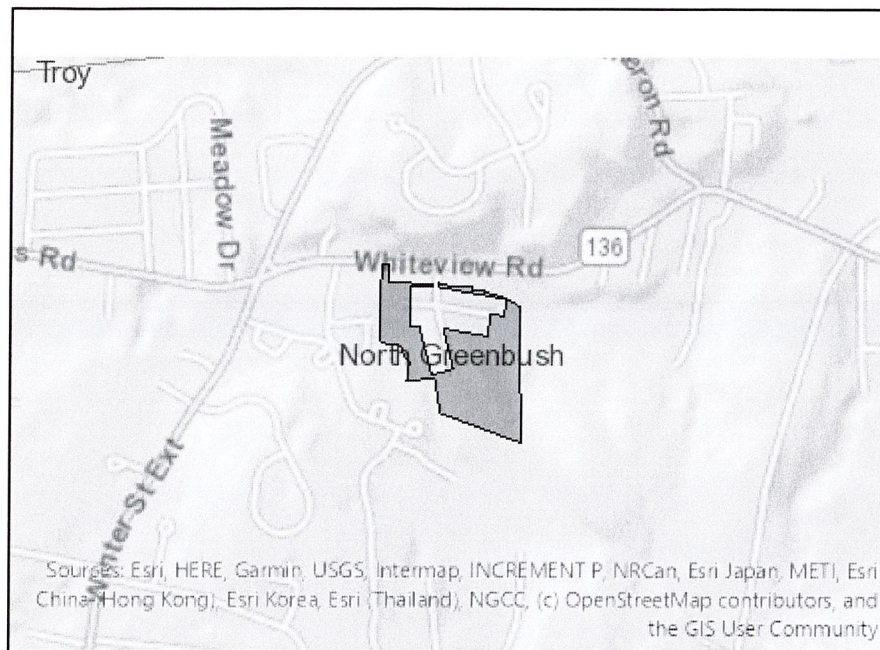
Date

Print or Type Name of Responsible Officer in Lead Agency

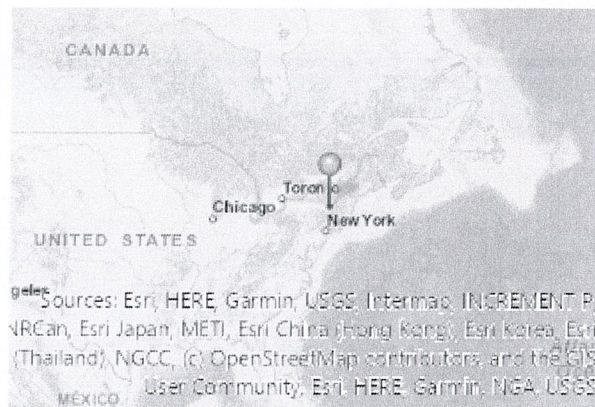
Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources to confirm data provided by the Mapper or to obtain data not provided by the Mapper.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No