

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>26-16</u>
Date Application Received	<u>6/22/26</u>
Hearing Scheduled Date	<u>7/8/26</u>
Application Fee	<u>\$100 - (A)</u>
Approved Date	_____ Conditions (y/n) _____
Denial Date	_____ Withdrawn Date _____
Zoning Chairperson	<u>R. FRENCH</u>

<u>Applicant:</u>		<u>Property Owner:</u>	
Name:	<u>Jude Clemente and Linda Mandel Clemente</u>	Name:	<u>SAME AS APPLICANT</u>
EMAIL:	<u>linda@mandelclemente.com</u>	EMAIL:	_____
Company:	_____	Company:	_____
Address:	<u>255 Lape Road</u> <u>Rensselaer, NY 12144</u>	Address:	_____
Phone:	<u>518-522-3915</u>	Phone:	_____

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

Lot Information

Street Address of Lot: 255 Lape Road, Rensselaer, NY 12144

Parcel ID Number: 134.9-1-12.12 Zoning District: R1

Irregular Shape of Lot (Y or N) Yes Corner Lot (Y or N) Yes
 Existing: Lot Area 11.74 acres Frontage 742 feet Depth 883 feet
 Set Backs: Front 600 Rear 150 Left 441 Right 450
 Proposed : Lot Area 11.74 acres Frontage 742 feet Depth 883 feet
 Setbacks: Front 600 Rear 150 Left 441 Right 450

Type of Water Service: well and municipal Type of Sanitary Disposal septic

Describe Existing Use:

Residential

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

not sure if new garage would be considered part of principal bldg, if has open breezeway area

Briefly describe the proposal:

Request permission to locate new shed 3'6" from new garage. New garage is to be connected via open stone breezeway to existing attached garage/storage space. Shed to be constructed of same fire code requirements as garage. Wish to have it closer for aesthetic reasons as well as practical ones, including reducing length of electrical underground work. Shed to be used for storage of bikes, garden tools, mowers, etc., but may also be used to shelter owners' 2 dogs in inclement weather when owners are away and dog sitters are hired, rather than current situation in which they are sheltered in the existing garage at such times.

Adjacent Property Owners

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

	Name:	Address:	Property Use:
Front	<u>Tedesco Family Trust</u>	<u>262 Lape Road, Rensselaer, NY 12144</u>	<u>Residential</u>
Front	<u>Alan and Susan Struss</u>	<u>268 Lape Road, Rensselaer, NY 12144</u>	<u>Residential</u>
Left	<u>Will and Mary Rogers</u>	<u>247 Lape Road, Rensselaer, NY 12144</u>	<u>Residential</u>
Right	<u>68 Snyders Lake Road, LLC</u>	<u>1 Herbert Drive, Rensselaer, NY 12144</u>	<u>Residential</u>
Rear	<u>Timothy and Kathy Smith</u>	<u>11 Haywood Lane, Rensselaer, NY 12144</u>	<u>Residential</u>
Rear	<u>Joseph and Shawn Sorce</u>	<u>13 Haywood Lane, Rensselaer, NY 12144</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) no
If yes, explain:

For any Area Variance Request, please complete the following:

Proposed use/construction: shed being constructed near new 3-bay garage on property with existing residence
(Single family home, commercial building, addition, deck, pool, accessory building, sign, fence, etc)

	REQUIRED	PROPOSED
Lot Size:	1.5 acres	11.74 acres
Width at set back:	200 feet	1100+ feet
Front Setback:	50	600+ feet
Rear Setback:	50	150+ feet
Left Side Setback:	50	441+ feet
Right Side Setback:	50	450+ feet
Maximum Lot Coverage:	10%	approx. 1%
Maximum Height:	35 feet	less than 25 feet to top of new garage roof shed to be single story building

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 variance sought is an internal variance related solely to distance between shed and garage. The variance will not affect the neighbors since it is so isolated from every one of them and does not impact any of the setbacks, except insofar as locating the shed closer to the garage actually increases the amount of setback from boundaries of property. The variance is sought solely for aesthetic and practical reasons involving distance of underground electrical line from new garage to the shed so that the shed can have lighting. Shed is to be constructed to same fire rating standards as garage and will not be adjacent to the residential living space of the house.

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.
Placing the shed at the Code's 12 foot distance from the garage will require longer underground extension of the electrical to service the shed and impacts flow of buildings, garden and sprinkler line layout. The shed could feasibly be placed 12 feet away but would impact both aesthetics and practical issues, and applicant is committed to making the shed meet the same fire safety standards as the garage.

3. Describe whether the requested Area Variance is substantial.
It is a substantial variance in terms of size, i.e. 3 1/2 feet of distance vs. 12 feet of distance, but because it does not affect any other properties and applicant is prepared to mitigate any fire concerns by building the shed with the same fire safety rated materials as the garage, it is of no substantial impact.

4. Explain how the proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood or district.
Wholly internal variance not visible from road or neighboring properties due to trees and distance to property boundaries.

5. Explain whether difficulty is self-created. (Consideration is relevant, but should not necessarily preclude the granting of the Area Variance.)
Yes, it is a self-created desire to have the buildings closer together.

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.

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:	<u>Frída M. Mandel Clemente</u>	<u>same</u>
Signature:	<u>[Signature]</u>	<u>same</u>
Date:	<u>6/22/26</u>	

FEES as per Town Code Chapter 197:

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 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: Clemente Internal Area Variance		
Project Location (Describe, and attach a location map): 255 Lape Road, located on hill at intersection of Snyder's Lake Road and Lape Road		
Brief Description of Proposed Action: Area variance sought to locate shed closer to new garage than permitted by zoning.		
Name of Applicant or Sponsor: Jude Clemente and Linda Mandel Clemente		Telephone: 518-522-3915 E-Mail: linda@mandelclemente.com
Address: 255 Lape Road		
City/PO: Rensselaer	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? 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>11.74</u>	Acres
b. Total acreage to be physically disturbed?	<u>1</u>	Acres
c. Total acreage (Project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	<u>11.74</u>	Acres
4. Check all land uses that occur on, adjoining and near the proposed action.		
<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Rural	<input type="checkbox"/> Industrial
<input type="checkbox"/> Forest	<input checked="" type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic
<input type="checkbox"/> Parkland	<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential (suburban)
	<input type="checkbox"/> Other (Specify): _____	
5. Is the proposed action,	YES	NO ✓

a. A permitted use under the Zoning regulations?	YES	NO
b. Consistent with the adopted comprehensive plan?	XX	
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.	YES	NO
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 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
detailed construction permit plans have been filed with the Building Inspector as part of the garage and shed construction	✓	
10. Will the proposed action connect to an existing public/private water supply? If no, describe method for providing wastewater treatment: Shed and garage so none necessary	YES	NO
		✓
11. Will the proposed action connect to existing wastewater utilities? If no, describe method for providing wastewater treatment: Shed and garage so no wastewater generated	YES	NO
		✓
12.	YES	NO
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?		✓
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?	✓	
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: The Skipper Killittle creek forms the lower boundary of applicant's property, but proposed action is far away from that creek		✓
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,	YES	NO
a. Will storm water discharge flow to adjacent properties?		✓

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: Andrés Mandel Clemente
Date: 6/27/26
Signature: [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

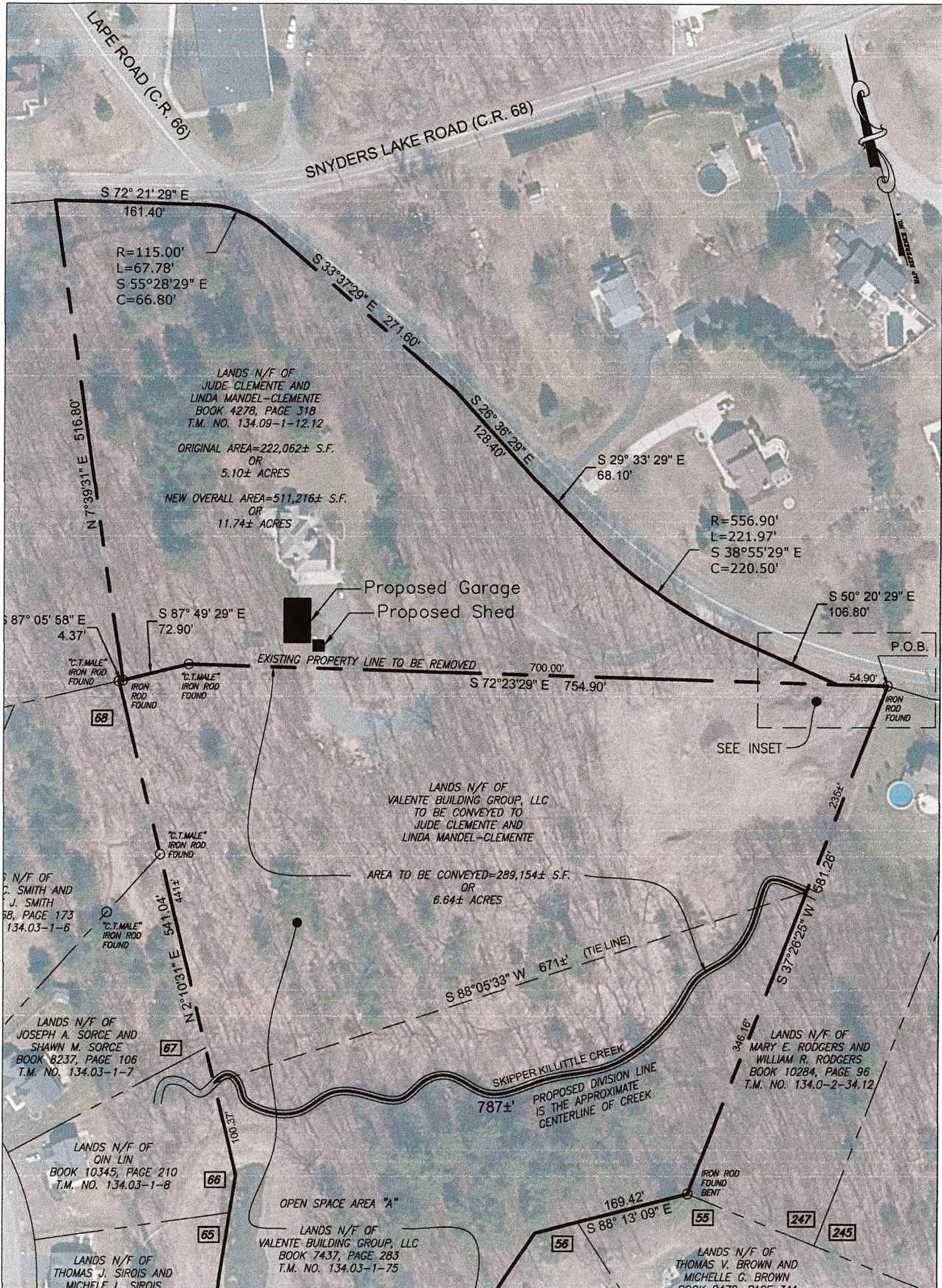
Date

Print or Type Name of Responsible Officer in Lead Agency

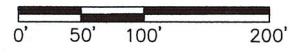
Title of Responsible Officer

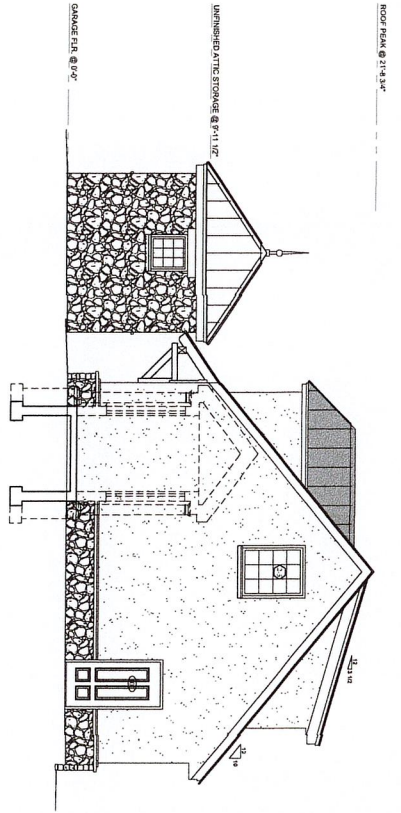
Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

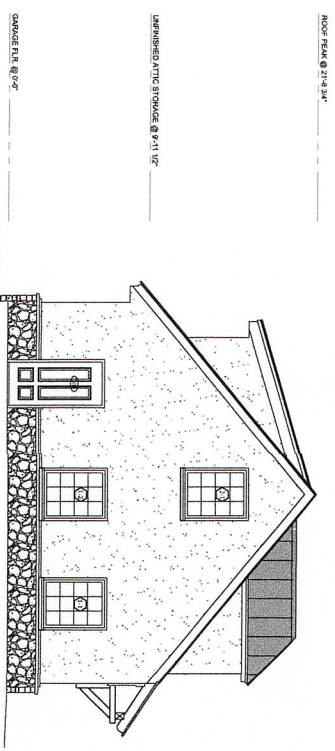


255 Lape Rd
 Proposed Garage and Shed
 Location on Survey

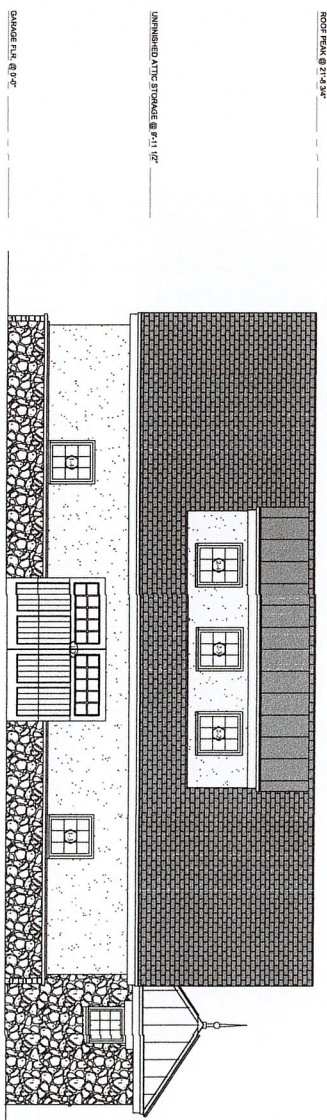




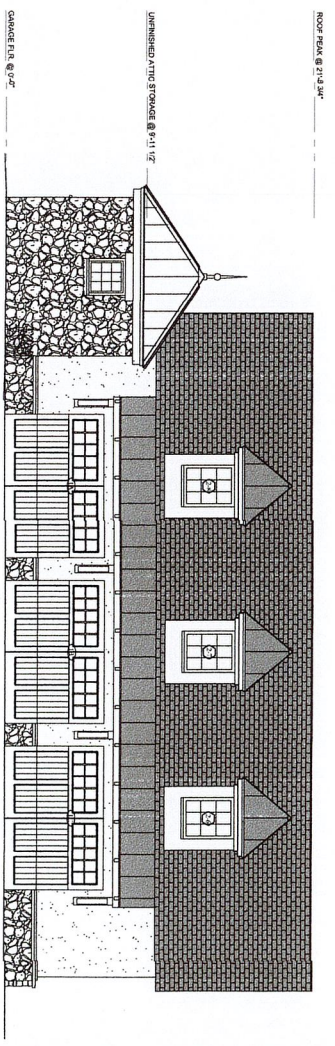
3 PROPOSED NORTH ELEVATION
SCALE: 1/4" = 1'-0"




2 PROPOSED SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



4 PROPOSED WEST ELEVATION
SCALE: 1/4" = 1'-0"



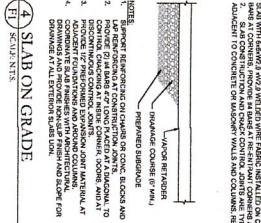
1 PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"

A3	<p>PROPOSED DESIGN FOR CLEMENTE RESIDENCE 255 LAPE RD. RENSSELAER, NEW YORK</p>	<p>EXTERIOR ELEVATIONS</p>		<p>Wallant ARCHITECTURE</p> <p>wallantarchitecture.com 883 Broadway Albany NY 12207 518.436.9454</p>
	<p>DATE: NOV. 21, 2023</p>			
	<p>RESPONSIBLE: SCALE: AS SHOWN DESIGNED BY: SW DRAWN BY: SW</p>			

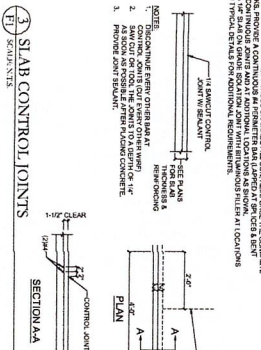
Concrete and Foundation Notes:

1. ALL NEW FOOTING AND FOUNDATION CONSTRUCTION SHALL MEET THE STANDARDS OF THE NEW YORK STATE RESIDENTIAL FOUNDATION CODE.
2. THE TOP OF THE EXISTING HOUSE FINISH FLOOR HAS BEEN SET AT A JOB ELEVATION OF -100'-0" AND ALL OTHER ELEVATIONS SHALL BE REFERENCED TO THIS.
3. PROVIDE NORMAL WEIGHT CONCRETE WITH MINIMUM FC = 4000 PSI FOR ALL FLOOR SLABS.
4. ALL CONCRETE FOUNDATION WALLS SHALL RECEIVE 5% AIR ENTRAINMENT (+/- 1%). NOTE THAT AIR ENTRAINMENT IS NOT REQUIRED FOR CONCRETE WITH AIR ENTRAINMENT.
5. CALCIUM CHLORIDE ADMIXTURES SHALL NOT BE ADDED IN ANY CONCRETE.
6. AIR ENTRAINMENT SHALL BE PROVIDED TO ALL CONCRETE.
7. LOCAL BUILDING CODE FLOOR DEPTH AND NOT LESS THAN 4" DEPTH.
8. DETAILS WORKMANSHIP AND TIES SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF ASTM A486.
9. SUPPORT ALL PIER AND FOOTING REINFORCING ON CONCRETE BLOCKS OR CHAINS, AND WIRE TIE THEM SECURELY TO THEM.
10. PROVIDE A MINIMUM OF 3" CONCRETE COVER FOR ALL REINFORCING BARS AT ALL CONDITIONS AND LOCATIONS, AS POSSIBLE, UNLESS SPECIFICALLY NOTED OTHERWISE.
11. CORNERS AND ENDS OF TOP GALVANIZED ANCHOR BOLTS @ 30"OC, TYPICAL, @ 30"OC MAXIMUM AND WITHIN 12" OF ALL CORNERS AND ENDS OF TOP GALVANIZED ANCHOR BOLTS SHALL BE DOUBLE HOT DIP GALVANIZED TO THE LATEST STANDARD OF THE FOUNDATION HAS ENOUGH TO ACCOMMODATE ALL PLASTER, 1" HOT DIP GALVANIZED NUT AND WASHER WITHOUT BENDING.
12. INSTALL CUT CONCRETE CONTROL JOINTS AS SHOWN ON PLAN.
13. ANCHOR BOLTS USED IN CONCRETE CONSTRUCTION SHALL BE DOUBLE HOT DIP GALVANIZED TO THE LATEST STANDARD OF THE FOUNDATION HAS ENOUGH TO ACCOMMODATE ALL PLASTER, 1" HOT DIP GALVANIZED NUT AND WASHER WITHOUT BENDING.
14. ALL NEW CONCRETE FOOTINGS SHALL REST ON UNDISTURBED SOIL OR SELECT MECHANICALLY COMPACTED FILL WITH MINIMUM 12" OF GRANULAR FILL. ANCHOR BOLTS SHALL BE INSTALLED IN CONCRETE WITHIN 12" OF ALL CORNERS AND ENDS OF TOP GALVANIZED ANCHOR BOLTS SHALL BE DOUBLE HOT DIP GALVANIZED TO THE LATEST STANDARD OF THE FOUNDATION HAS ENOUGH TO ACCOMMODATE ALL PLASTER, 1" HOT DIP GALVANIZED NUT AND WASHER WITHOUT BENDING.

SLAB ON GRADE



SLAB CONTROL JOINTS

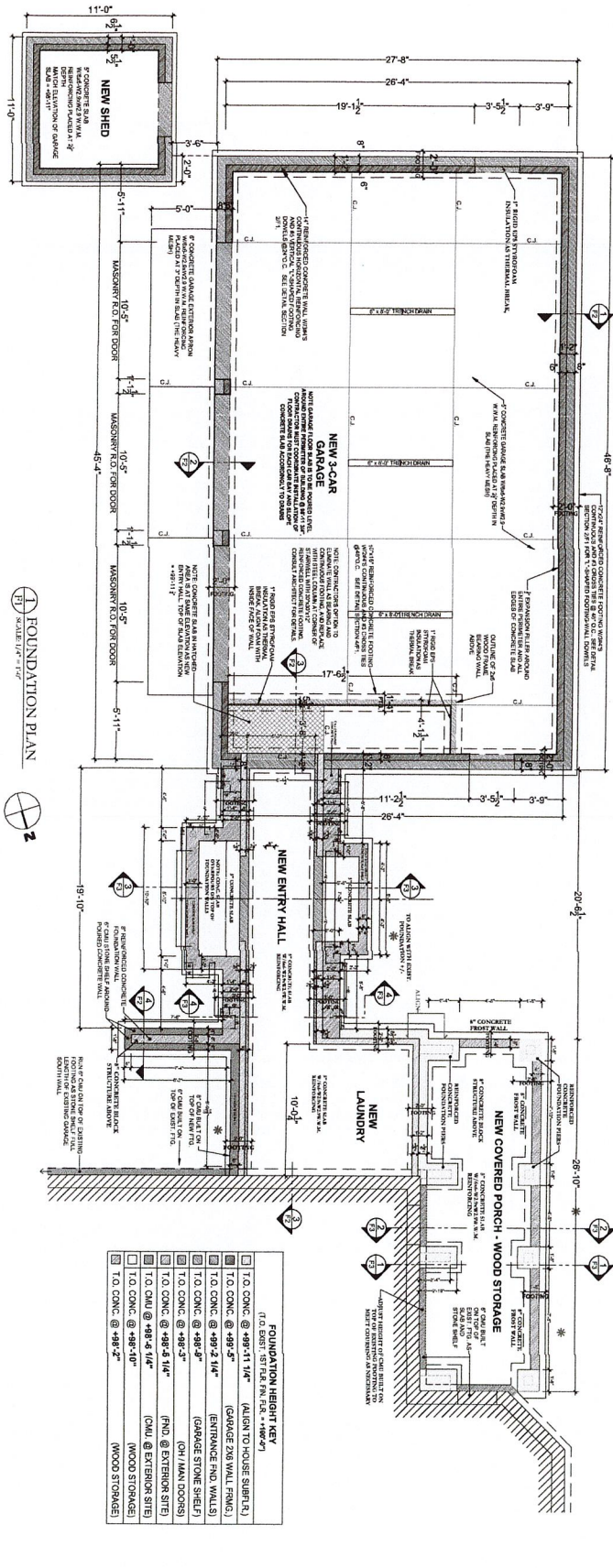
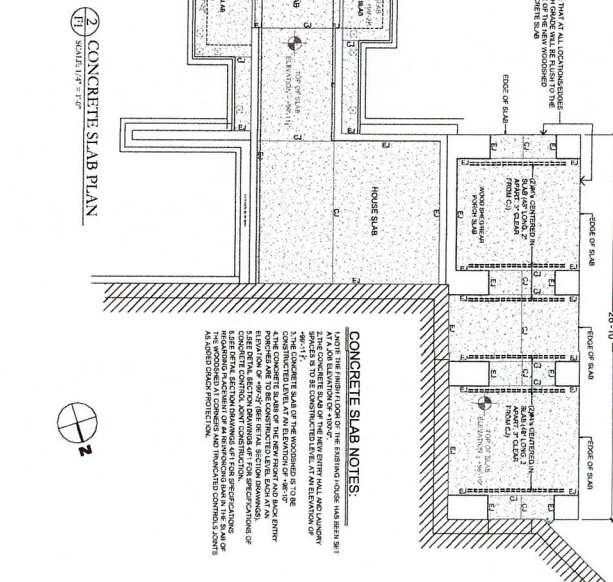


MINIMUM SPICE AND EMBEDMENT LENGTHS:		3000 PSI CONC	
MIN LAP LENGTH IN INCHES	MIN EMBEDMENT IN INCHES	STRAIGHT	90° BEND
BAR SIZE	BAR SIZE	BAR SIZE	BAR SIZE
#3	#3	12	6
#4	#4	12	6
#5	#5	12	6
#6	#6	12	6
#7	#7	12	6
#8	#8	12	6
#9	#9	12	6
#10	#10	12	6
#11	#11	12	6
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#66	#66	12	6
#67	#67	12	6
#68	#68	12	6
#69	#69	12	6
#70	#70	12	6

CONCRETE SLAB NOTES:

1. VALUES IN TABLE FOR LAP LENGTH AND STANDARD EMBEDMENT ARE FOR BARS SPACED AT LEAST 8 BAR DIA. ON CENTER, WITH A MINIMUM COVER OF 1 1/2" AND A SIDE COVER OF AT LEAST 1 1/2" FOR CONDITIONS SHOWN IN TABLE FOR MINIMUM EMBEDMENT WITH STANDARD HOOR REINFORCING.
2. FOR BARS WITH SIDE AND END COVER 80% HOOKS OF AT LEAST 7" AT THE END OF INSTALLATION.
3. ANCHOR BOLTS USED IN CONCRETE CONSTRUCTION SHALL BE DOUBLE HOT DIP GALVANIZED TO THE LATEST STANDARD OF THE FOUNDATION HAS ENOUGH TO ACCOMMODATE ALL PLASTER, 1" HOT DIP GALVANIZED NUT AND WASHER WITHOUT BENDING.
4. PROVIDE 1" MINIMUM CONCRETE COVER FOR ALL REINFORCING BARS.

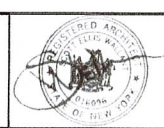
CONCRETE SLAB PLAN



DATE: NOV. 21, 2023
 SCALE: AS SHOWN
 DRAWN BY: SW

PHASE 2 CONSTRUCTION PROJECT FOR
 LINDA AND JUDE CLEMENTE
 385 LAPEL RD
 RENSSELAER, NEW YORK

FOUNDATION PLAN



WALLANT ARCHITECTURE
 553 rowe road feura bush ny 12067
 518.573.4531

F1