

TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309

The Zoning Board of Appeals of the Town of Niskayuna will conduct a regular meeting on WEDNESDAY, February 15, 2023 at 7:00 P.M. in the Town Board Meeting Room, Town Hall, One Niskayuna Circle, Niskayuna, New York to consider the following:

1. Appeal by Ian Natoli for a variance from Section 220-18 B (3) (b) and Section 220-13 Schedule I-C of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 1154 Country Club Drive North, Niskayuna, New York, located in the R-2: Medium Density Residential Zoning District, to maintain a 10' x 14' shed partially within the side and rear yard setbacks. Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building." As defined, major accessory structures are "detached accessory buildings or other structures in excess of 120 square feet." The shed, at 140 square feet, is a major accessory structure. Section 220-13 Schedule I-C, establishes a side setback minimum of fifteen (15) feet and a rear setback minimum of twenty (20) feet. As constructed, the shed is located four (4) feet from the side property line and ten (10) feet from the rear property line. Therefore; both, an eleven (11) foot side yard setback variance and a ten (10) foot rear yard setback variance are required.
2. Appeal by Geoffery and Janet Konis for a variance from Section 220-10 (A) and Section 220-52 (A) of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 31 East Street, Niskayuna, New York, located in the RR-80 Rural Residential Zoning District, to convert a portion of a pre-existing nonconforming interior storage building to office space and a bathroom. Section 220-10 District regulations (A) RR-80 Rural Residential District of the Niskayuna Zoning Code lists the permitted principal uses, permitted accessory uses and special principal uses allowed in the zoning district. General office use is not a permitted use in the RR-80 zoning district. Section 220-52 Changes in nonconforming uses (A) states: "No nonconforming use shall be changed to other than a conforming use for the district in which it is situated." The property is currently a pre-existing nonconforming use with 100% of the interior area dedicated to dry interior storage. As proposed, 356 square feet of interior storage would be changed to a 32' x 10' (320 sq. ft.) general office area and 6' x 6' (36 sq. ft.) bathroom area. As proposed, a portion of pre-existing nonconforming interior storage building is proposed to change to a secondary nonconforming use, general office, therefore a use variance is required

NEXT MEETING: March 15, 2023 at 7 PM

**TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309
Meeting Minutes
January 18, 2023**

Members Present:

Keith Frary, Chairperson

John Hoke

Nicolas Ltaif

Joey Gentile

Vincent Daly

Richard Greene (virtual)

Patrick Antonikowski

Also Present:

Laura Robertson, Town Planner

Alaina Finan, Town Attorney

A. Roll Call

Erik Dollman was absent/excused.

Chairperson Frary noted that the second case on the agenda was withdrawn.

Chairperson Frary reminded the audience that when they wish to address the Board they need to speak into the microphone because the Town is hosting a hybrid meeting and the participants who are connected over the computer can only hear what is spoken into the microphone. He informed the attendees that when they present their case to the Board, they need to state their name and address for the record. He also noted the Board will be asking them a variety of questions, the Board members review the case packets and possibly visit the property ahead of time and the Board uses questions to determine the need for variance and how the applicant mitigated the need for the variance. He noted Niskayuna is a diverse community and the words the Zoning Board uses may not be familiar to the speaker. He stated the Board will strive to be patient and explain what they are asking so the applicant will understand the questions – which should assist in them providing the most appropriate answers.

B. Minutes

The minutes for the December meeting were presented. Chairperson Frary asked if there any changes to the minutes. Hearing none, Mr. Ltaif placed a motion to accept the minutes. Mr. Daly seconded the motion.

Upon voting, the December minutes were approved 6-0, with one abstention.

Mr. Hoke Abstain

Mr. Ltaif Aye

Mr. Gentile Aye

Mr. Daly Aye

Mr. Greene Aye

Mr. Antonikowski Aye

Chairperson Frary Aye

C. Cases

- 42 1. Appeal by Jay and Deborah Yablon for a variance from Section 220-25 A (4) of the Zoning
43 Ordinance of the Town of Niskayuna as it applies to the property at 910 Northumberland Drive,
44 Niskayuna, New York, located in the R-1: Low Density Residential Zoning District, to maintain a six
45 (6) foot fence which does not comply with the ornamental side of the fence facing away from the lot.
46 Section 220-25 A (4) states, "The ornamental side of any fence, if there is an ornamental side, shall
47 face away from the lot on which it is located. As constructed, the ornamental side of the fence does
48 not face away from the lot; therefore, a variance from this section is required.
- 49 11 notices were mailed with 4 responses. Lauri Koen, 911 Northumberland Drive, wrote that she was in
50 support of the fence as it has been installed. Ann Kuelzow and Lea Klein, 918 Northumberland Drive,
51 wrote and noted they were satisfied with the fencing as installed. Two other neighbors wrote anonymous
52 letters stating they objected to allowing the variance.
- 53 Bruce Trachtenberg, 2351 Barcelona Road, representing the owner, and Jay and Deborah Yablon, owner,
54 were present. Mr. Trachtenberg questioned the need for a variance since the project was to repair an
55 existing fence. Ms. Finan replied that the Town requires homeowners to abide by current code when a
56 nonconforming structure is chosen to be removed and replaced.
- 57 Mr. Yablon presented a history of the fence location and orientation. Ms. Yablon mentioned that one
58 original section of the fence was left as previously installed. Mr. Yablon presented an additional image
59 showing the section of fence that did not get replaced.
- 60 Chairperson Frary noted that the installed fence does not comply with Code since the ornamental side is
61 facing inward. Mr. Yablon agreed. Chairperson Frary asked if a contractor installed the fence. Mr. Yablon
62 stated that Trust-A-Fence was hired. Chairperson Frary asked if the contractor questioned the orientation
63 of the fence. Mr. Yablon stated they did but he told the contractor he interpreted the Code differently
64 because of the date it was originally installed. Chairperson Frary asked if the owner understood the Code
65 for fence orientation. Mr. Yablon stated he was aware of the Code but interpreted it to apply to new fence
66 installations. Chairperson Frary asked if all the fencing was replaced in kind. Mr. Yablon stated that most
67 of the fence was replaced in kind. Some chain link fencing was replaced with wrought iron.
- 68 Chairperson Frary asked which neighbors were consulted prior to the replacement of the fence. Mr.
69 Yablon stated he spoke to the neighbor on Inman where the longest stretch of fence had fallen down. Mr.
70 Yablon stated she was happy the fence was getting repaired.
- 71 Mr. Greene asked if the fence height stayed the same. Mr. Yablon stated that it did. Mr. Greene asked if
72 the fencing materials were the same. Mr. Yablon stated that they were. Ms. Yablon stated pine stockade
73 fencing was used. Mr. Greene asked if the footprint of the fencing was the same. Mr. Yablon stated that it
74 was.
- 75 Mr. Hoke asked the extent of the conversation the applicant had with the contractor. Mr. Yablon stated
76 that the contractor noted that Towns has issues with the fence orientation but stated he was replacing the
77 fence in-kind. Mr. Hoke asked if the applicant called the Town to discuss the fence replacement. Mr.
78 Yablon stated he did not. He noted he did his own research of the fence Code in Town.
- 79 Mr. Ltaif asked how the issue came to the Town's attention. Ms. Robertson stated it was by complaint.
80 She noted the inspector visited the site and put a stop work order on the project. Mr. Yablon noted he
81 spoke to Mr. Cannizzo, building inspector. Mr. Cannizzo's inspection card stated a fence was being
82 installed with the ornamental side on the outside and the contractor had left garbage on the Inman side of
83 the fence.

121 Mr. Antonikowski Aye
122 Mr. Antonikowski voted to grant the motion for the reasons stated.

133 Chairperson Frary noted to the applicant that their variance was granted and thanked them for attending
134 the meeting. He reminded the Board and audience that the second case was withdrawn by the applicant.

135 Mr. Daly made a motion to adjourn. Mr. Hoke seconded the motion. All the Board approved the motion.
136 The meeting was adjourned at 8:00 pm.

**TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309
(518) 386-4530**

February 3, 2023

TO WHOM IT MAY CONCERN:

A regular meeting of the Zoning Board of Appeals will be held on:

DATE: February 15, 2023

TIME: 7:00 P.M.

PLACE: Town Hall, One Niskayuna Circle, Niskayuna, New York

AT THIS TIME THE BOARD WILL CONSIDER THE REQUEST OF:

Appeal by Ian Natoli for a variance from Section 220-18 B (3) (b) and Section 220-13 Schedule I-C of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 1154 Country Club Drive North, Niskayuna, New York, located in the R-2: Medium Density Residential Zoning District, to maintain a 10' x 14' shed partially within the side and rear yard setbacks.

Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building." As defined, major accessory structures are "detached accessory buildings or other structures in excess of 120 square feet." The shed, at 140 square feet, is a major accessory structure. Section 220-13 Schedule I-C, establishes a side setback minimum of fifteen (15) feet and a rear setback minimum of twenty (20) feet. As constructed, the shed is located four (4) feet from the side property line and ten (10) feet from the rear property line. Therefore; both, an eleven (11) foot side yard setback variance and a ten (10) foot rear yard setback variance are required.

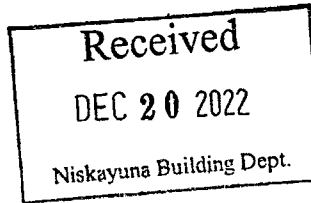
A copy of the permit application and appeal is available for inspection at the Niskayuna Building Department in the Niskayuna Town Office Building and will be available at the public hearing. A copy of the agenda packet for the above referenced meeting date, which will include information for this variance request, will be available online after 5pm the Friday before the meeting at <https://www.niskayuna.org/node/1606/agenda/2023>.

IF YOU WISH TO EXPRESS AN OPINION REGARDING THE PROPOSED CHANGE, YOU MAY DO SO AT THE ABOVE-MENTIONED TIME AND PLACE. IF YOU CANNOT BE PRESENT, YOU MAY REQUEST A VIRTUAL LOGIN TO THE MEETING BY EMAILING LRobertson@Niskayuna.org OR CALLING 518-386-4530 OR YOU MAY SET FORTH YOUR APPROVAL OR OBJECTION IN A LETTER WHICH WILL BE MADE PART OF THE PERMANENT RECORD.

ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS
Application and Procedures For A Variance

Case No.	_____
Date Rece'd BA	_____
Date Hearing	_____
Date Action	_____
Ref. P.B.	_____ Date _____
Ref. County	_____ Date _____



TO: ZONING BOARD OF APPEALS

FROM: IAN Natoli

RE: Property at 1154 N Country Club Dr. Niskayuna 12309

I, IAN Natoli, the (owner) (agent of the owner) of the property located at 1154 N Country Club Dr in the Town of Niskayuna, New York, hereby petition the Zoning Board of Appeals to review the decision of the Zoning Enforcement Officer on the above-referenced application and to grant a variance from Section(s) of the Zoning Ordinance in order to permit the proposed construction shown on the accompanying drawings.

I, also certify that I have provided the items listed below as required documents in my application for a variance before the Zoning Board of Appeals. I further acknowledge that omission of any of these items may result in delay in the Board's hearing of my application.

CHECKLIST OF REQUIRED ITEMS

☒ One (1) copy of plot plans

☐ One (1) copy of construction plans, if applicable

☒ Appeal fee (see application procedures for details)

☒ Appeal statement (see application procedures for details)

☒ Short Environmental Assessment Form, Project Information, as applicable for use variance

☒ Additional information as specified by the Zoning Enforcement Officer

Signature of Agent: _____ Date _____

Signature of Owner (if different from Agent) [Signature]

Telephone Number: 917 640 2875

Email Address: lannat7@gmail.com

Received

DEC 20 2022

Niskayuna Building Dept.

For an area variance: Before an area variance can be granted, State Law requires that the ZBA take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

The only way to move the shed is by a forklift, the fence would need to be removed to get a forklift into the backyard. We would need to hire a person to operate the forklift and not damage the structure of the shed.

2. Whether the granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

In our neighborhood, other residents have installed sheds which are bigger than ours and are close to ~~near~~ neighbors property lines. Please note that we have hired surveyors and no one is able to provide our property line.

3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

We don't have a garage. We need outdoor storage and this shed ~~replace~~ was renovated from the original shed that was on the property when we purchased the home.

Received
DEC 20 2022
Nicholas D. [unclear]

4. Whether the variance will have adverse physical or environmental effects on the neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

No electric, sewer or water connected to the shed. It uses its resources. Does not impair any views.

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance.) Explain whether the alleged difficulty was or was not self-created:

It was self-created based upon the original structure.

Thomas Cannizzo

From: Contact form at Town of Niskayuna NY <cmsmailer@civicplus.com> on behalf of
Contact form at Town of Niskayuna NY
Sent: Friday, January 6, 2023 10:02 AM
To: TCannizzo
Subject: [EXTERNAL] [Town of Niskayuna NY] Shed (Sent by Ian natoli, lannat1@msn.com)

Hello TCannizzo,

Ian natoli (lannat1@msn.com) has sent you a message via your contact form
(<https://www.niskayuna.org/user/56/contact>) at Town of Niskayuna NY.

If you don't want to receive such e-mails, you can change your settings at
<https://www.niskayuna.org/user/56/edit>.

Message:

Good day,
When looking at the shed from the street, it is 10 feet from the back and 4 feet from the left.

Thank you Ian Natoli



Thomas J. Cannizzo
Building Inspector

TOWN OF NISKAYUNA BUILDING DEPARTMENT

One Niskayuna Circle
Niskayuna, New York 12309-4381
(518) 386-4522
FAX: (518) 386-4592
building@niskayuna.org

Kenneth P. Hassett
Building Inspector

Building and Zoning Permit Denial

Address: 1154 North Country Club Drive

Billie St Pierre Ferrara
1154 North Country Club Drive
Niskayuna, NY 12309

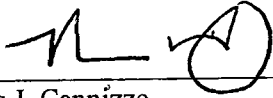
Dear Owner:

You are hereby notified, as required by Section 220-67 F of the Zoning Ordinance of the Town of Niskayuna, that your application to maintain a 10' x 14' shed on the property noted above has been denied by reason of Section 220-18 B (3) (b) and Section 220-13 Schedule I-C, of the Town of Niskayuna Zoning Ordinance. The property is located in the R-2: Medium Density Residential Zoning District.

Section 220-18 B (3) (b) states that "the required side and rear yard dimensions for major accessory structures shall be the same as applies to the principal building." As defined, major accessory structures are "detached accessory buildings or other structures in excess of 120 square feet." The shed, at 140 square feet, is a major accessory structure. Section 220-13 Schedule I-C, establishes a side setback minimum of fifteen (15) feet and a rear setback minimum of twenty (20) feet. As constructed, the shed is located 4 feet from the side property line and 10 feet from the rear property line. Therefore; both, an 11 foot side yard setback variance and a 10 foot rear yard setback variance are required.

Under the provisions of Section 220-69 of the Zoning Ordinance of the Town of Niskayuna you may appeal this decision to the Zoning Board of Appeals and the undersigned within 60 days.

1/9/23
Date


Thomas J. Cannizzo
Zoning Enforcement Officer

Handwritten: 1154

Application # _____



TOWN OF NISKAYUNA

APPLICATION FOR BUILDING AND ZONING PERMIT

One Niskayuna Circle
Niskayuna, New York 12309
Phone: 518-386-4522 Fax: 518-386-4592
Email: building@niskayuna.org

Renewal

Received

DEC 20 2022

Niskayuna Building Dept.

APPLICATION IS HEREBY MADE to the Town of Niskayuna Building Department for the issuance of a building and zoning permit pursuant to Town Code and the New York State Uniform Fire Prevention and Building Code. Application is hereby made for the construction of new buildings and accessory structures, additions and alterations to all buildings and structures, signage installation, drainage, excavation, fill and grading work, and replacement, removal and demolition projects, as herein described. The Applicant or Owner agrees to comply with all applicable laws, ordinances, regulations and all conditions expressed on this application which are part of these requirements, and will also allow or arrange for inspectors to enter the premises for inspections.

BUILDING SITE ADDRESS 1154 N. Country Club Drive

DESCRIBE WORK APPLIED FOR Shed Renovation

ESTIMATED VALUE OF ALL WORK (labor and materials): TOTAL \$ 2000

Please submit three sets of plans with this application.

APPLICANT Ian Natoli DAY PHONE 917 690 2875

CHECK ONE: ☐ CONTRACTOR

☒ HOMEOWNER

☐ OTHER (explain) _____

ADDRESS 1154 N. Country Club Drive

CITY Niskayuna STATE NY ZIP 12309

EMAIL ADDRESS Iannatoli@msn.com

CONTRACTOR _____ DAY PHONE _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

Note: Proof of insurance is required. Please review our Insurance Requirements document to ensure contractors and homeowners have filed all appropriate documents with the Building Department.

PROPERTY OWNER ^{IAN NATOLI} Billie St. Pierre Nablo DAY PHONE 917 690 2875

ADDRESS (if different than above) _____

CITY _____ STATE _____ ZIP _____

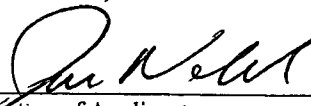
PLEASE SIGN Page 2

The applicant has reviewed and fully understands the requirements and conditions listed on this application. Article II, Section 75.5B of the Code of the Town of Niskayuna requires that ~~where~~ such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

Applicants who are the owners of the property DO NOT need to have this application notarized.

The undersigned hereby swears that the information provided on this application is true, correct and accurate.

Sworn to me on this 15 day of December 2022


Signature of Applicant

Tam Naki
Printed Name

12/15/2022
Date

Notary Public, State of New York

(FOR OFFICE USE ONLY BELOW)

BUILDING SITE ADDRESS _____

KNOWN EASEMENTS: _____ WATER _____ SEWER _____ DRAINAGE _____ OTHER _____

PERMIT FEE DUE \$ _____ BASED ON _____

COMMENTS _____

ZONING DISTRICT _____ SECTION-BLOCK-LOT _____

REQUIRED INSPECTIONS:

- ____ 1. FOOTING FORMS AND REINFORCING PRIOR TO POURING OF CONCRETE
- ____ 2. FOUNDATION LOCATION PROVIDED AND STONE DRIVEWAY BASE INSTALLED PRIOR TO FOUNDATION INSPECTION
- ____ 3. FOUNDATION WALL AND DRAIN TILE INCLUDING LATERAL PRIOR TO BACKFILLING
- ____ 4. FIREPLACE INSPECTION AT BOX AND AT HALF STACK
- ____ 5. ROUGH PLUMBING
- ____ 6. ROUGH ELECTRICAL
- ____ 7. ROUGH FRAMING INSPECTION INCLUDING TRUSS CERTIFICATES AND ROUGH GRADING ESTABLISHED
- ____ 8. INSULATION INCLUDING PROPER VENTILATION
- ____ 9. FINAL PLUMBING
- ____ 10. FINAL ELECTRICAL
- ____ 11. FINAL BUILDING INSPECTION
- ____ 12. FINAL GRADING AND SOIL EROSION CONTROL
- ____ 13. (ADDITIONAL INSPECTIONS) _____

APPROVED BY _____

DATE _____

ACCESSORY STRUCTURE SUPPLEMENT TO PERMIT APPLICATION

Plans (three sets) and all of the following information are required with accessory structure permit applications.

a. Address of property 1154 N Country Club Drive

b. Size of accessory structure 10 x 14

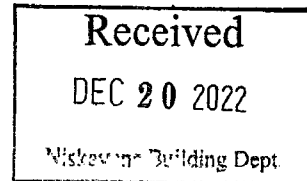
c. Distance to property lines:

Side 1 12 ft

Side 2 5 ft

Rear 4 ft

Other per lawn



d. Are there any other accessory structures on the property?

Fence yes ☒ no ☐ height 4

Shed yes ☒ no ☐ size 12 x 10

Swimming pool yes ☐ no ☒ size

Other yes ☐ no ☒ size

e. Height of accessory structure 110 inches

f. Type of foundation for structure (if any) pressure treated lumber on concrete piers

Zoning District	maximum total coverage of accessory structures	side & rear setback if 120 sq. ft. or less	side setback	rear setback	setback to a street
R-R	NA	5 feet	35 feet	40 feet	no closer than wall of house
R-1	2,250 sq. ft. or less if lot is less than 18,000 sq. ft.	5 feet	20 feet	25 feet	no closer than wall of house
R-2, R-3 or R-P	1,350 sq. ft. or less if lot is less than 9,000 sq. ft.	5 feet	15 feet	20 feet	no closer than wall of house

Applicant's Signature: [Signature]

Date: 12/15/22

(For office use only)

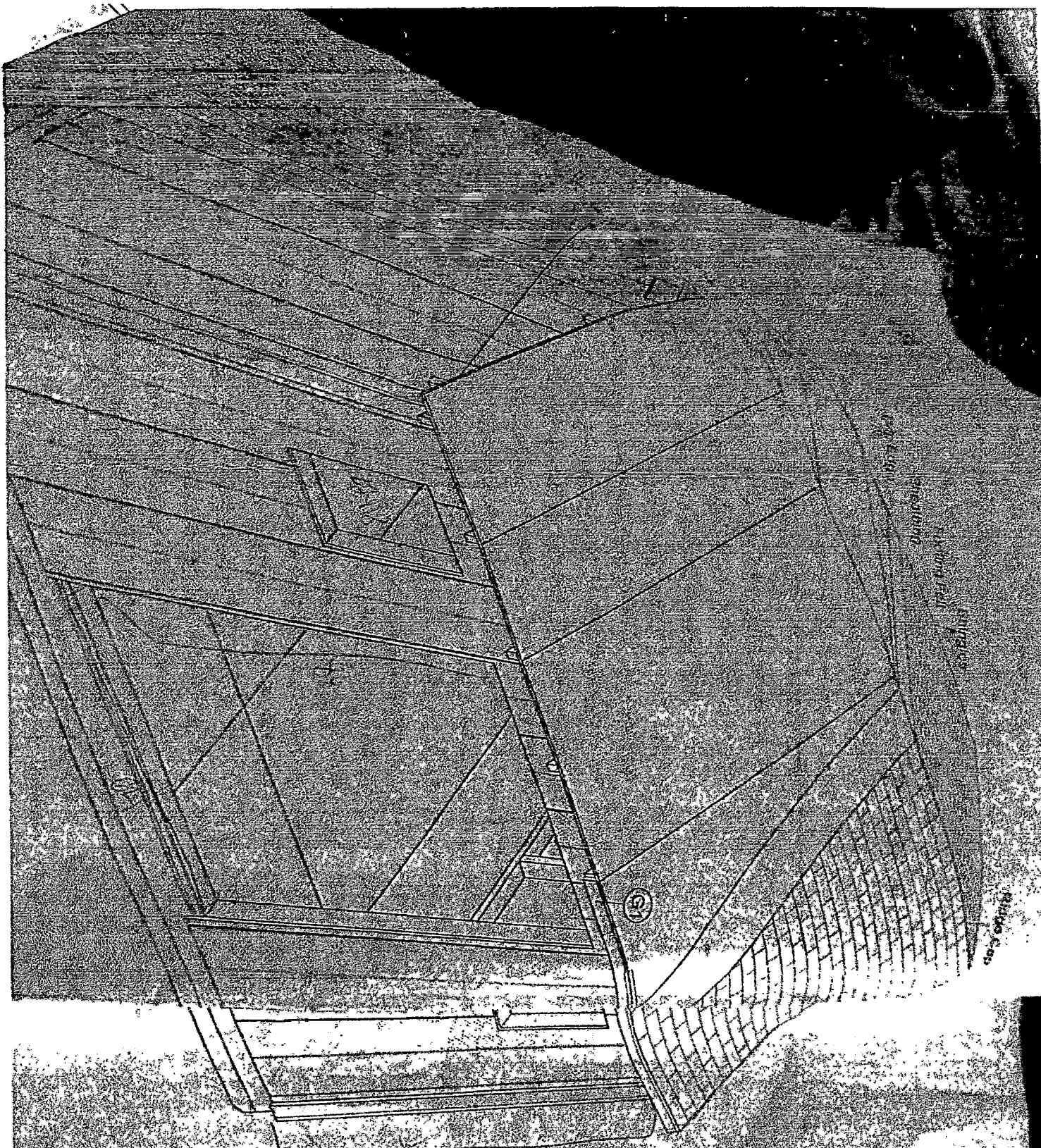
Area of lot

Maximum accessory structure coverage allowed

Total accessory structure coverage actual

Maximum lot coverage allowed

Total lot coverage actual



Received
DEC 20 2022
Niskayuna Building Dept.

RECEIVED
JUL - 2 2020
BUILDING DEPARTMENT
NISKAYUNA, NY

Shed Plan's

Received

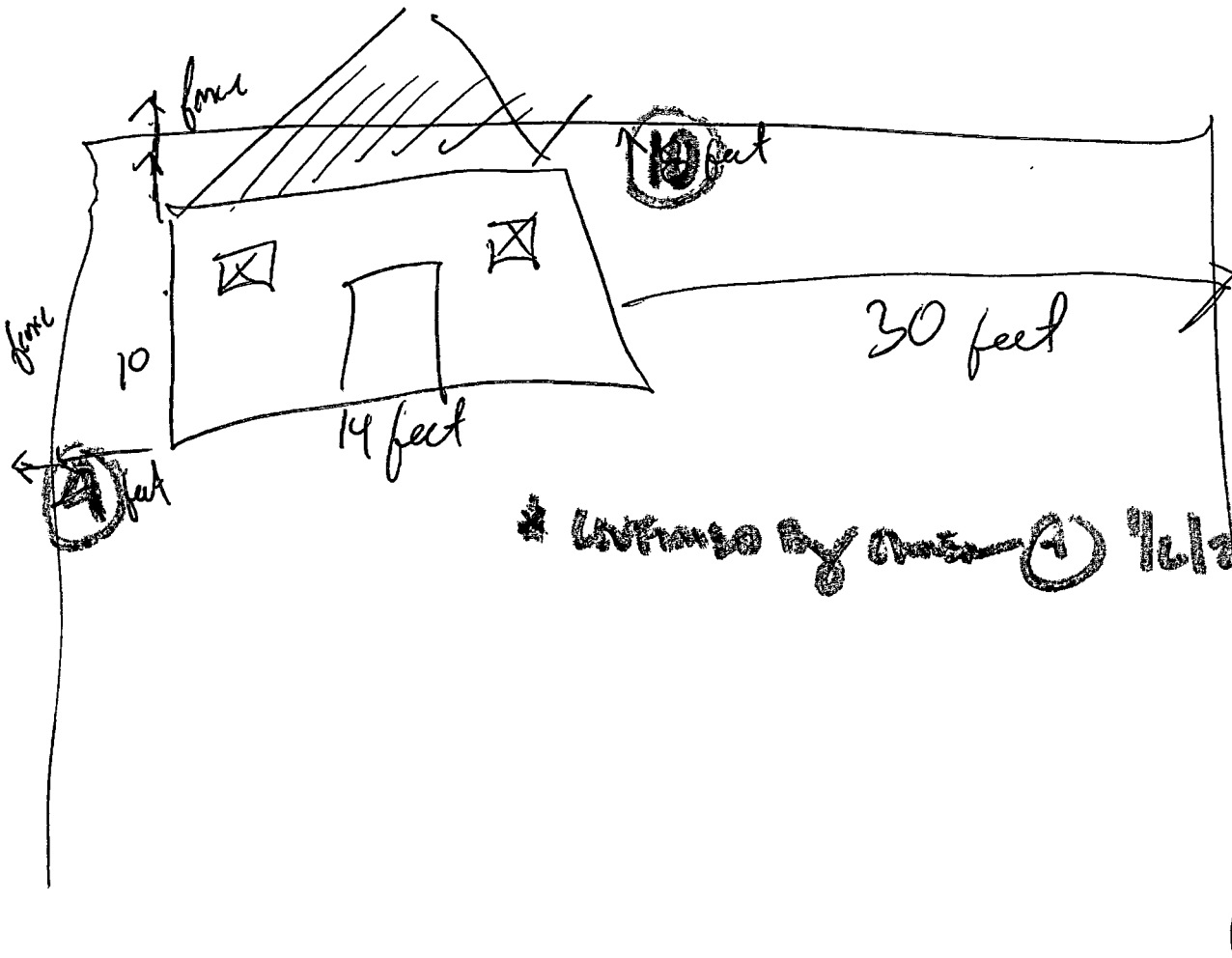
DEC 20 2022

Niskayuna Building Dept.

1154 N.
Country Club
Drive

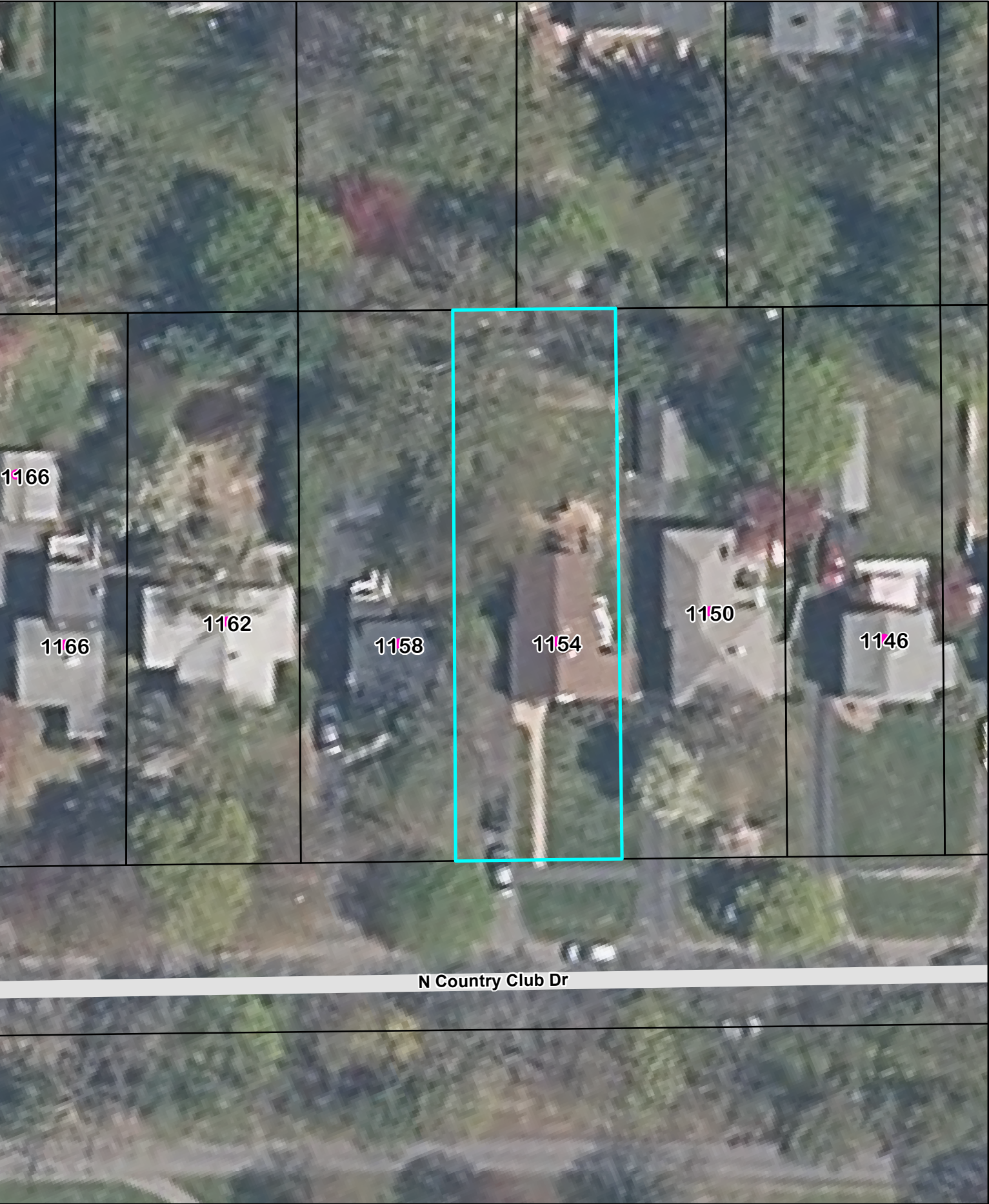
12/15/22

Shed Plan

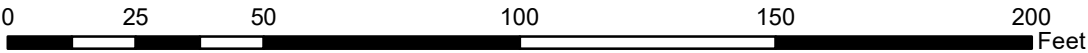


* Livestock by owner 12/15/22

1154 N County Club Dr



N Country Club Dr



**TOWN OF NISKAYUNA
ZONING BOARD OF APPEALS
One Niskayuna Circle
Niskayuna, New York 12309
(518) 386-4530**

February 3, 2023

TO WHOM IT MAY CONCERN:

A regular meeting of the Zoning Board of Appeals will be held on:

DATE: February 15, 2023

TIME: 7:00 P.M.

PLACE: Town Hall, One Niskayuna Circle, Niskayuna, New York

AT THIS TIME THE BOARD WILL CONSIDER THE REQUEST OF:

Appeal by Geoffery and Janet Konis for a variance from Section 220-10 (A) and Section 220-52 (A) of the Zoning Ordinance of the Town of Niskayuna as it applies to the property at 31 East Street, Niskayuna, New York, located in the RR-80 Rural Residential Zoning District, to convert a portion of a pre-existing nonconforming interior storage building to office space and a bathroom.

Section 220-10 District regulations (A) RR-80 Rural Residential District of the Niskayuna Zoning Code lists the permitted principal uses, permitted accessory uses and special principal uses allowed in the zoning district. General office use is not a permitted use in the RR-80 zoning district.

Section 220-52 Changes in nonconforming uses (A) states: "No nonconforming use shall be changed to other than a conforming use for the district in which it is situated." The property is currently a pre-existing nonconforming use with 100% of the interior area dedicated to dry interior storage. As proposed, 356 square feet of interior storage would be changed to a 32' x 10' (320 sq. ft.) general office area and 6' x 6' (36 sq. ft.) bathroom area. As proposed, a portion of pre-existing nonconforming interior storage building is proposed to change to a secondary nonconforming use, general office, therefore a use variance is required.

A copy of the permit application and appeal is available for inspection at the Niskayuna Building Department in the Niskayuna Town Office Building and will be available at the public hearing. A copy of the agenda packet for the above referenced meeting date, which will include information for this variance request, will be available online after 5pm the Friday before the meeting at <https://www.niskayuna.org/node/1606/agenda/2023>.

IF YOU WISH TO EXPRESS AN OPINION REGARDING THE PROPOSED CHANGE, YOU MAY DO SO AT THE ABOVE-MENTIONED TIME AND PLACE. IF YOU CANNOT BE PRESENT, YOU MAY REQUEST A VIRTUAL LOGIN TO THE MEETING BY EMAILING LRobertson@Niskayuna.org OR CALLING 518-386-4530 OR YOU MAY SET FORTH YOUR APPROVAL OR OBJECTION IN A LETTER WHICH WILL BE MADE PART OF THE PERMANENT RECORD.

ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS
Application and Procedures For A Variance

Case No.	_____
Date Rece'd BA	_____
Date Hearing	_____
Date Action	_____
Ref.P.B.	_____ Date _____
Ref. County	_____ Date _____

TO: ZONING BOARD OF APPEALS

FROM: Northeast Underlayments, LLC

RE: Property at 31 East ST

Section 31.7 **Block** 1 **Lot** 35.21

I, Geoffery & Janet Konis, the (owner) (agent of the owner) of the property located at 31 East ST in the Town of Niskayuna, New York, hereby petition the Zoning Board of Appeals to review the decision of the Zoning Enforcement Officer on the above-referenced application and to grant a variance from Section(s) of the Zoning Ordinance in order to permit the proposed construction shown on the accompanying drawings.

I, also certify that I have provided the items listed below as required documents in my application for a variance before the Zoning Board of Appeals. I further acknowledge that omission of any of these items may result in delay in the Board's hearing of my application.

CHECKLIST OF REQUIRED ITEMS

- ____ Fifteen (15) copies of plot plans
- ____ Two (2) copies of construction plans, if applicable
- ____ Appeal fee (see application procedures for details)
- ____ Appeal statement (see application procedures for details)
- ____ Short Environmental Assessment Form, Project Information, as applicable for use variance
- ____ Additional information as specified by the Zoning Enforcement Officer

Signature of Agent: _____ Date _____

X Signature of Owner (if different from Agent) Janet Konis

Telephone Number: 518-222-4170

USE VARIANCE - Before the ZBA can grant a use variance, State Law requires that, the applicant must demonstrate "unnecessary hardship". Mere inconvenience and the fact that the land in question could be put to a more profitable use are insufficient reasons for granting a use variance. To prove unnecessary hardship, the applicant shall demonstrate to the ZBA that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.

The Owner has had 5 people interested in 2 yrs. but can not make a sale because of restrictions. We would need an Office (small) + a Bathroom. Rentals + Sales of Storage Building with Office + Bathroom are just way to expensive for our Business.

Attached Copy of letter From owner and Cost Comparisons of Trying to buy

- (b) The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.

This building was already there by the Town as a storage building. It stands alone at the end of the street. There will no changes to the outside size of the building and no added storage to the building outside. Operation of the space will be daylight hours 7-4pm Mon-Friday

- (c) The requested use variance, if granted, will not alter the essential character of the neighborhood.

It is building put up by the town. The only change to the outside is more landscaping with shrubs & flowers. Timber Frame Entrance with taller trees on the Residential Side.

We don't use signs, hours of operation are from 7-4pm, Monday-Friday, We don't do walk-in business

- (d) The alleged hardship has not been self-created.

We can't expand, it was preexisting when the Town changed zoning lawings. We are trying to create Sanitary Facilities.

Hoping to hire someone to help in office - 1 car

Saleman - 1 car - on & off

Estimator - 1 car - all day

1 - Northeast Truck & Trailer

Northeast Underlayments - In to pick up material and leave

3 car
1 Truck & Trailer

Janet Konis

From: JMPR 57 <jmpr57@hotmail.com>
Sent: Thursday, January 26, 2023 12:07 PM
To: Janet Konis



This is our main
Building in
Warrensburg, NY
7 Rocky Ridge Rd

We try to make
things nice for
our Community
and our self's



Sent from JRKonis iPhone

Janet Konis

From: JMPR 57 <jmpr57@hotmail.com>
Sent: Thursday, January 26, 2023 12:18 PM
To: Janet Konis



Northeast Spray
Foam Truck +
Trailer

Sent from JRKonis iPhone

Google Maps 7 Rocky Ridge Road



Image capture: Sep 2014 © 2023 Google



7 Rocky Ridge Road

All

Street View & 360°

Rollies Road

Rocky Ridge F
arrensburg, N

ain St

[Back](#) [Contact Agent](#)
88 W Campbell Road
Schenectady, NY 12306
12,075 SF • #202200786

Sample of Cost

ACTIVE
\$980,000



Overview
Description

Former Aaron's Furniture building located across from Via Port/Rotterdam Square Mall. 12,075± SF available for immediate occupancy. Property is conveniently located a half mile from Interstate 890. Property is also referred to as 90A West Campbell Road. Please contact listing agent for tours.

Listing Details
Contract Information

DOM
196

HIDE

SAVE

SHARE

Retail

Parent/Child

None

Lease Considered

Yes

Lease Per SqFt or Month?

SqFt

Current Price

\$980,000

List Price/SqFt

81.16

List Price/Acres

960,784.31

Location

County

Schenectady

Municipality (Tax)

Rotterdam

Property Detail

New Construction Y/N

No

Year Built

1999

Stories

1

Parking Y/N

Yes

Building Area Total

12,075

Full Address

HIDE

SAVE

SHARE

Lot Size Acres

1.02

Status Change Info

Status Change Date

July 18, 2022

More Information

Parcel, Tax, HOA

Tax Annual Amount

19,750

Total Taxes Description

Estimated

Tax Section

38.18

Tax Block

2-5

Tax Lot

32

Sign Y/N

Yes

Directions & Remarks**Directions**

Take exit 2A from I-890 W. Building located on the right.

Public Remarks

Former Aaron's Furniture building located across from Via Port/Rotterdam Square Mall. 12,075± SF available for immediate occupancy. Property is conveniently located a half mile from Interstate 890. Property is also referred to as 90A West Campbell Road. Please contact listing agent for tours.

Building Detail**At Grade Door #**

1

Building Ceiling Height

14

Office Available SQFT

HIDE

SAVE

SHARE

Retail Total SQFT

12,075

Retail Available SQFT

12,075

Retail Ceiling Height

14

Warehouse Available SQFT

0

Parking Features

Parking Total

39

Private

Yes

Showing Requirements

Call Listing Agent, Call Listing Office, Email Listing Agent

Construction Materials

Block

Roof

Metal

Sewer

Public Sewer

Water Source

Public

Electric

Three Phase

Current Use

Retail

Possible Use

Fitness/Gym, Medical/Dental, Mixed Use, Office, Office/Retail, Office/Warehouse, Retail, Warehouse
More Info

Information is deemed to be reliable, but is not guaranteed.

The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.



HIDE

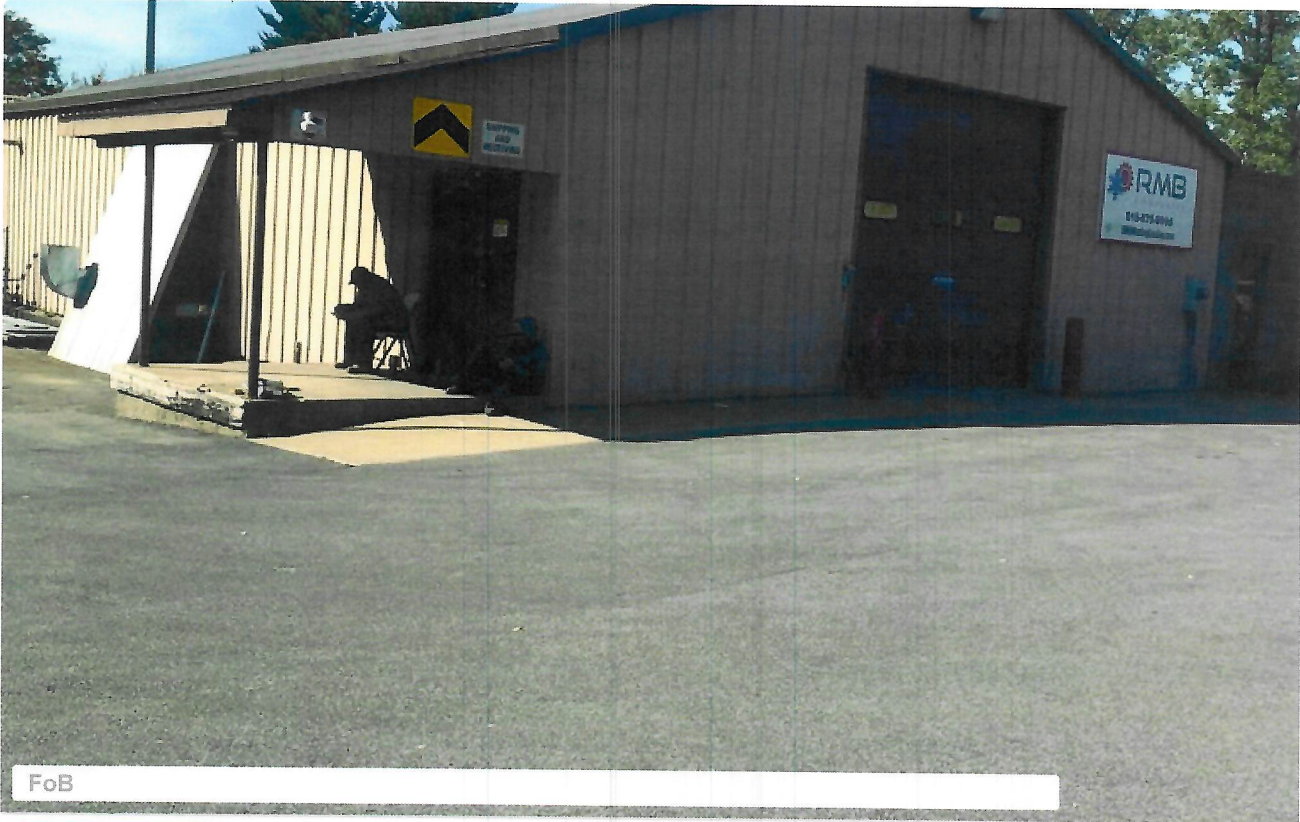
SAVE

SHARE

[Back](#) [Contact Agent](#)
1155 Princetown Road
Schenectady, NY 12306
9,400 SF • #202201188

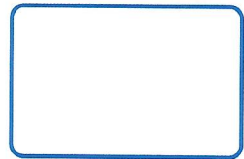
Sample B
Cost

ACTIVE
\$825,000



FoB

1 / 11



Overview
Description

Excellent location with easy access to highways. Unique property that has office with 4,200 SF of warehouse; 2,870 s/f heated, 2,400 unheated. 2 shed 2,000 s/f, 2,925 s/f plus fenced in lay down area. All on 1.25 acres

Listing Details
Contract Information

DOM

98

HIDE

SAVE

SHARE

Industrial

Parent/Child

None

Lease Considered

No

Current Price

\$825,000

List Price/SqFt

87.77

List Price/Acres

639,534.88

Location

County

Schenectady

Municipality (Tax)

Rotterdam

Property Detail

New Construction Y/N

No

Year Built

1984

Building Area Total

9,400

Lot Size Dimensions

est

Lot Size Acres

1.29

Lot Size Square Feet

56,192

Close to the road

HIDE

SAVE

SHARE

October 24, 2022

More Information

Parcel, Tax, HOA

Parcel Number

422800 47.-8-1.111

Tax Annual Amount

17,194

Total Taxes Description

Estimated

Tax Section

47

Tax Block

8

Tax Lot

1.111

Directions & Remarks

Directions

Princeton Road just west of Burdeck St.

Public Remarks

Excellent location with easy access to highways. Unique property that has office with 4,200 SF of warehouse; 2,870 s/f heated, 2,400 unheated. 2 shed 2,000 s/f, 2,925 s/f plus fenced in lay down area. All on 1.25 acres

Building Detail

Building Ceiling Height

1

Office Available SQFT

2,500

Retail Available SQFT

0

Warehouse Available SQFT

5,270

Parking Features

HIDE

SAVE

SHARE

Showing Requirements
Call Listing Agent, Email Listing Agent
Construction Materials
Block, Wood Frame
Sewer
Other, See Remarks
Water Source
Other, See Remarks
Current Use
Industrial
Possible Use
Industrial, Mixed Use, Office/Warehouse, Warehouse, Other, See Remarks
More Info

Information is deemed to be reliable, but is not guaranteed.

The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.



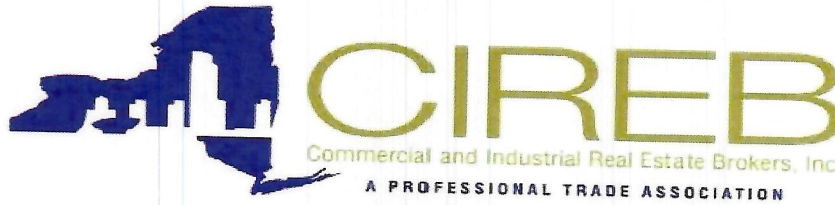
Email Listing [Cancel](#)

Sorry, unable to display video
OK

HIDE

SAVE

SHARE



Revised June 2012

STANDARD FORM CONTRACT FOR PURCHASE AND SALE OF REAL ESTATE
THIS IS A LEGALLY-BINDING CONTRACT. IF NOT FULLY UNDERSTOOD, WE RECOMMEND
ALL PARTIES TO THE CONTRACT CONSULT AN ATTORNEY BEFORE SIGNING.

1. IDENTIFICATION OF PARTIES TO THE CONTRACT

A. SELLER - The Seller is

Barbara Concrete, LLC

(the word "Seller" refers to each and all parties who have an ownership interest in the Property).

B. PURCHASER - The Purchaser is

Geoffery Konis (LLC TBS)

(the word "Purchaser" refers to each and all of those who sign below as Purchaser).

2. PROPERTY TO BE SOLD

The Property and improvements which the Seller is agreeing to sell and which the Purchaser is agreeing to purchase is known as

31 E St St# Schenectady NY 12309: Tax Parcel 422400 31.7-1-35.21

located in the city, village or town of Niskayuna in Schenectady County.
(This Property includes all the Seller's rights and privileges, if any, to all land, water, streets and roads annexed to, and on all sides of the property.) The lot size of the Property is described as approximately
.6 Acres, Lot sq ft 26,136

3. ITEMS INCLUDED IN SALE

The items, if now in or on said Property are represented to be owned by the Seller, free from all liens and encumbrances, and are included in the sale "as is", on the date of this offer, together with the following items
Clean Building inside and outside. Free of debris from current owner. Broom Clean.

4. PURCHASE PRICE

The purchase price is (\$ 245,000.00) Two Hundred Forty-Five Thousand
DOLLARS

The Purchaser shall pay the purchase price as follows:

\$ <u>10,000.00</u>	deposit with this contract.
\$ _____	additional deposit on _____
\$ <u>235,000.00</u>	in cash or certified check at closing.
\$ _____	by PURCHASER assuming and agreeing to pay a mortgage, now a recorded
\$ _____	lien on the premises upon which there is unpaid estimated principal amount.
\$ _____	Purchase money mortgage to Seller (see attached addendum for terms)
\$ <u>245,000.00</u>	TOTAL PRICE

5. MORTGAGE CONTINGENCY

This Contract is contingent upon Purchaser obtaining approval of a mortgage loan in the amount of \$ _____ at an initial rate of _____ percent, fixed or adjustable; for a term of _____ not to exceed _____ points. Purchaser agrees to use diligent efforts to obtain said approval and shall apply for the mortgage loan within _____ business days after the Seller has accepted this contract. Purchaser agrees to apply for such a mortgage loan to two lending institutions, if necessary. This contingency shall be deemed waived unless Purchaser shall notify _____ in writing as called for in paragraph 19, no later than _____ of his/her inability to obtain said approval. If the Purchaser so notifies, then this Contract shall be deemed cancelled, null and void, and all deposits made hereunder shall be returned to the Purchaser.

6. MORTGAGE EXPENSE AND RECORDING FEES

The mortgage recording tax imposed on the mortgagor, mortgage and deed recording fees, expenses of drawing papers and any other expenses to be incurred in connection with procuring a mortgage, shall be paid by the Purchaser.

7. OTHER TERMS (if any)

Contingent upon all municipal bodies to allow and continue the use as a commercial building similiar type of concrete/construction business as is currently in operation now. Permitted zoning for commercial use with prior approval from Planning Board and Zoning Board before closing. Signed affirmation as to no buried tanks or other environmental contaminants . Must appraise at asking price or above.

8. TITLE AND SURVEY

A. The abstract of title or any continuation thereof, or any title insurance policy shall be obtained at SELLER'S ☒ PURCHASER'S ☐ expense. The Seller shall cooperate in providing any available abstract of title or title insurance policy information without cost to PURCHASER. If the SELLER has a survey of the premises, it shall be provided to the PURCHASER and SELLERS ☒ PURCHASER ☐ shall pay the cost of updating any such survey or the cost of a new survey.

B. Title to the Property shall be free and clear of all liens, encumbrances, covenants, conditions and other matters affecting title, except for the Permitted Exceptions, and shall be good of record, in fact merchantable and insurable at standard rates. For the purposes of this Paragraph 8, the term "Permitted Exceptions" shall mean those matters affecting title to the Property set forth on Exhibit _____, attached hereto and made a part hereof.

9. CONDITION OF PREMISES

The buildings on the premises are sold "as is" without warranty as to condition, and the Purchaser agrees to take title to the buildings "as is" and in their present condition subject to reasonable use, wear, tear and natural deterioration between the date hereof and closing of title: except that in the case of any destruction within the meaning of the provisions of Section 5-1311 of the General Obligations Law of the State of New York entitled "Uniform Vendor and Purchaser Risk Act", said section shall apply to this Contract.

10. CONDITIONS AFFECTING TITLE

The Seller shall convey and the Purchaser shall accept the Property subject to all covenants, conditions, restrictions and easements of record and zoning and environmental protection laws so long as the Property is not in violation thereof and any of the foregoing does not prevent the intended use of the Property for the purpose of **Commercial Warehouse**; also subject to any existing tenancies, any unpaid installments of street or other improvement assessments payable after the date of the transfer of title to the property, and any state of facts which an inspection and/or accurate survey may show, provided that nothing in this paragraph renders the title to the Property unmarketable.

11. DEED

The Seller shall convey the Property to the Purchaser by Warranty Deed in proper form for recording, which deed shall include the covenant required by Subdivision "5" of Section 13 of the Lien Law. If the Seller conveys in any trust capacity, the usual deed given in such cases shall be accepted. The said deed shall be prepared, duly signed by the Seller, signature(s) acknowledged, all at the Seller's expense, so as to convey to the Purchaser the fee simple of said premises free and clear of all liens and encumbrances, except as herein stated. At Closing, Seller will pay any and all state, county and local transfer and recording fees pursuant to New York State Department of Taxation and Finance Combined Real Estate Transfer Tax Return (TP-584), plus any other transfer related tax or fee. All other costs and expenses attendant to settlement, including title company charges, shall be at the cost of the party that incurred same, at or prior to Closing.

12. TAX AND OTHER ADJUSTMENTS

The following, if any, shall be apportioned so that the Purchaser and Seller are assuming the expenses of the property and income from the property as of the date of transfer of title:

- A. Rents and security deposits. Seller shall assign to Purchaser all written leases and security deposits affecting the premises.
- B. Taxes, sewer, water, rents and condominium or association fees.
- C. Municipal assessment yearly installments except as set forth in item 9.
- D. Fuel, based upon fair market value at time of closing as confirmed by a certificate provided by Seller's supplier.

13. RIGHT OF INSPECTION AND ACCESS

Purchaser and/or a representative shall be given access to the Property for any tests or inspections. The PURCHASER agrees to hold Seller harmless against any and all liabilities that may arise from said tests and inspections. In the event the Purchaser does not purchase the Property, the Purchaser agrees to restore the Property to its original condition. This Contract is contingent upon a written determination(s), at Purchaser's expense, by a licensed architect or licensed engineer or by an agreed third party that the Property is free from structural, mechanical, and/or environmental defects exceeding a combined value of _____. This contingency shall be deemed waived unless Purchaser shall notify **Both Brokers and Attorneys**

_____, in writing, by certified or registered mail, return receipt requested, post-marked no later than **January 13, 2023** or by personal service by such date, of such defects(s), and furthermore supplied a written copy of the inspection report. If the Purchaser so notifies, then this Contract shall be deemed cancelled, null and void and all deposits made hereunder shall be returned to Purchaser or, at Purchaser's option, said cancellation may be deferred for a period of ten (10) days in order to provide the parties an opportunity to otherwise agree in writing.

14. TRANSFER OF TITLE

Transfer of title is to be completed at 12:00 noon on or about **March 1, 2023** at the office of **Buyers Attorney**.

15. DEPOSITS

It is agreed that any deposits by the Purchaser are to be deposited with the Listing Broker as part of the purchase price. If the Seller does not accept the Purchaser's offer, all deposits shall be returned to Purchaser. If the offer is accepted by the Seller, all deposits will be held in escrow by the listing Broker until the contingencies and terms have been met. The Purchaser will receive credit on the total amount of the deposit toward the purchase price. Broker shall apply the total deposit to the brokerage fee. Any excess of deposit over and above the fee earned will go to the Seller.

If the contingencies and terms contained herein cannot be resolved, or in the event of default by the Seller or the Purchaser, the deposits will be held by the Broker pending a resolution of the disposition of the deposits.

16. REAL ESTATE BROKER

The Purchaser and Seller agree that **Howard Hanna/Phil Sabitino** and **23 North, CRES / Denise Riccardi-Bagramian** brought about the sale, and Seller agrees to pay the Brokers' commission to **Howard Hanna** as agreed to per separate agreement.

17. ADDENDA

The following attached addenda are part of this Contract:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

18. ATTORNEYS APPROVAL CLAUSE

This Contract is contingent upon Purchaser and Seller obtaining approval of this Contract by their attorney as to all matters contained therein. This contingency shall be deemed waived unless Purchaser's or Seller's attorney on behalf of their client notifies **Both Brokers & Attorneys** in writing, as called for in paragraph 19, of their disapproval of the Contract no later than **December 14, 2022**. If Purchaser's or Seller's attorney so notifies, then this Contract shall be deemed cancelled, null and void, and all deposits shall be returned to the Purchaser.

19. NOTICES

All notices contemplated by this Contract shall be in writing, delivered by certified or registered mail, return receipt requested, postmarked no later than the required date, or by personal service by such date.

20. MISCELLANEOUS

- A. Originals. This Contract may be executed in counterparts, each of which will be an original, and a facsimile copy showing execution shall be given the same force and effect of an original.
- B. Section and Other Headings. The section and other headings are for reference purposes only and will not in any way affect the meaning or interpretation of the text of this Contract.
- C. Governing Law. This Contract will be construed and enforced in accordance with the laws of the State of New York without giving effect to any conflict of laws or choice of laws to the contrary.

21. ENTIRE AGREEMENT

This Contract contains all agreements of the parties hereto. There are no promises, agreements, terms, conditions, warranties, representations or statements other than contained herein. This Contract shall apply to and bind the heirs, legal representatives, successors and assigns of the respective parties. It may not be changed orally.

THIS IS A LEGALLY-BINDING CONTRACT. IF NOT FULLY UNDERSTOOD, WE RECOMMEND ALL PARTIES TO THE CONTRACT CONSULT AN ATTORNEY BEFORE SIGNING.

Dated: 12/08/2022

 Geoffery Konis

Purchaser

Geoffery Konis (LLC TBS)

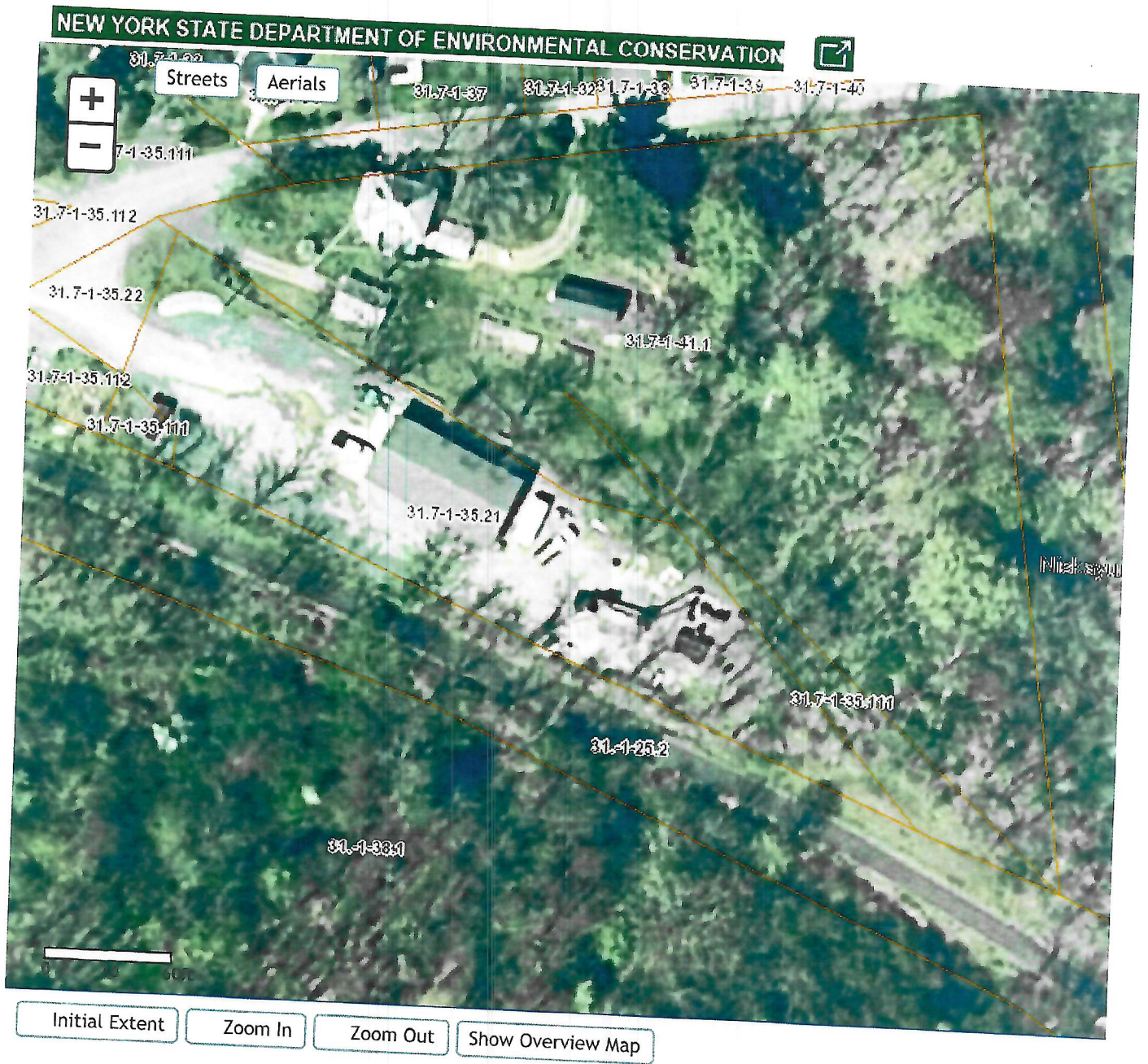
Purchaser

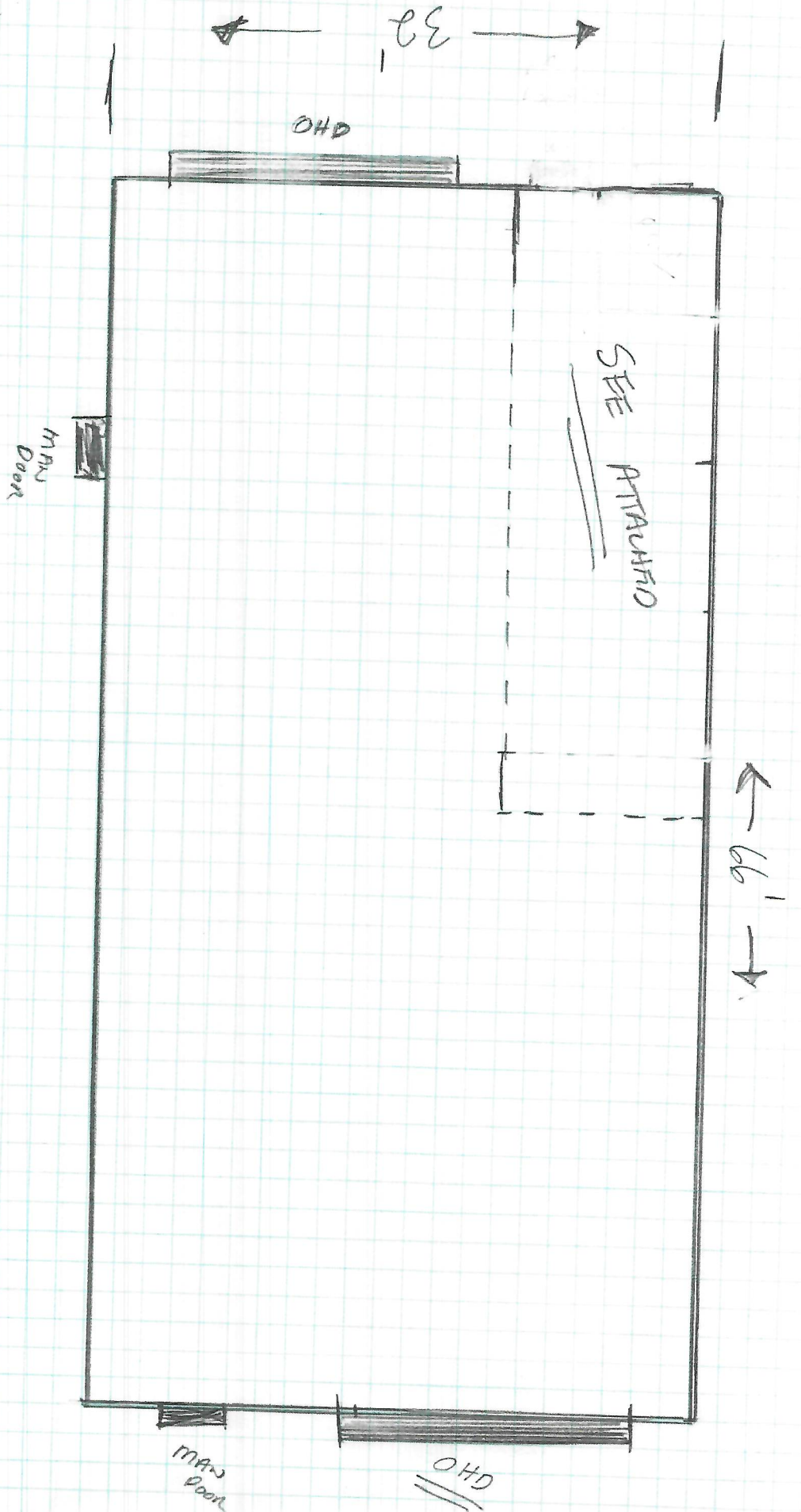
ACCEPTANCE

Dated: _____

Seller

Seller





* BUILDING AS IS *

1 SQ = 2' APPROXIMATELY

ENTRY
DOOR

5x6
ENTRY

6x6
BATHROOM

DOOR
TO SHOP

SHOP
AREA

OPEN
OFFICE
AREA

DOOR
TO
SHOP

1/4" = 1'0" APPROXIMATELY



Thomas J. Cannizzo
Building Inspector

TOWN OF NISKAYUNA BUILDING DEPARTMENT

One Niskayuna Circle
Niskayuna, New York 12309-4381
(518) 386-4522
FAX: (518) 386-4556
building@niskayuna.org

Kenneth P. Hassett
Building Inspector

BUILDING AND ZONING PERMIT DENIAL

Address: 31 East St.

Application Date: 12/8/22

Geoffery Konis
86 Ridge St.
North Creek, NY 12853

Dear Mr. Konis:

You are hereby notified, as required by Section 220-67 F of the Zoning Ordinance of the Town of Niskayuna, that your Application for Site Plan Approval for a tenant change to convert a portion of a pre-existing nonconforming interior storage building to office space and a bathroom at 31 East Street has been denied by reason of failure to comply with the provisions of Section 220-10 (A) and Section 220-52 (A) of the Niskayuna Zoning Code. The property is located in the RR-80 Rural Residential Zoning District.

Section 220-10 District regulations (A) RR-80 Rural Residential District of the Niskayuna Zoning Code lists the permitted principal uses, permitted accessory uses and special principal uses allowed in the zoning district. General office use is not a permitted use in the RR-80 zoning district.

Section 220-52 Changes in nonconforming uses (A) states: "No nonconforming use shall be changed to other than a conforming use for the district in which it is situated." The property is currently a pre-existing nonconforming use with 100% of the interior area dedicated to dry interior storage. As proposed, 356 square feet of interior storage would be changed to a 32' x 10' (320 sq. ft.) general office area and 6' x 6' (36 sq. ft.) bathroom area. As proposed, a portion of pre-existing nonconforming interior storage building is proposed to change to a secondary nonconforming use, general office, therefore a use variance is required.

Under the provisions of Section 220-69 the Zoning Ordinance of the Town of Niskayuna you may appeal this decision to the Zoning Board of Appeals and the undersigned within 60 days.

A handwritten signature in black ink, appearing to read "Laura Robertson".

Laura Robertson, Deputy Code Enforcement Officer

1/19/23

Date



TOWN OF NISKAYUNA

One Niskayuna Circle
Niskayuna, New York 12309-4381

Phone: (518) 386-4530

Application for Site Plan Review

Purchasing

Applicant (Owner or Agent):

Name Geoffery Konis

Address 86 Ridge ST
North Creek, NY
12853

Email _____

Telephone 518-796-3695

Fax _____

Location:

Number & Street 31 East ST

Section-Block-Lot 31.7 - 1 - 35.21

Zoning District RR

Proposal Description: YEAR Round Use

Storage of material - Bathroom, Crew Room,
delivery of material 2x @ week, possible 2-3
trucks + Trailers left on site, Outside downward
lighting on Building (motion sensor) Dumpster
for Construction debris, dry trash. Travel would
be in at 7 or 8 am load up out to jobs, back
at 3 to 4 pm leave for home. Operation i's
5 days a week m-f

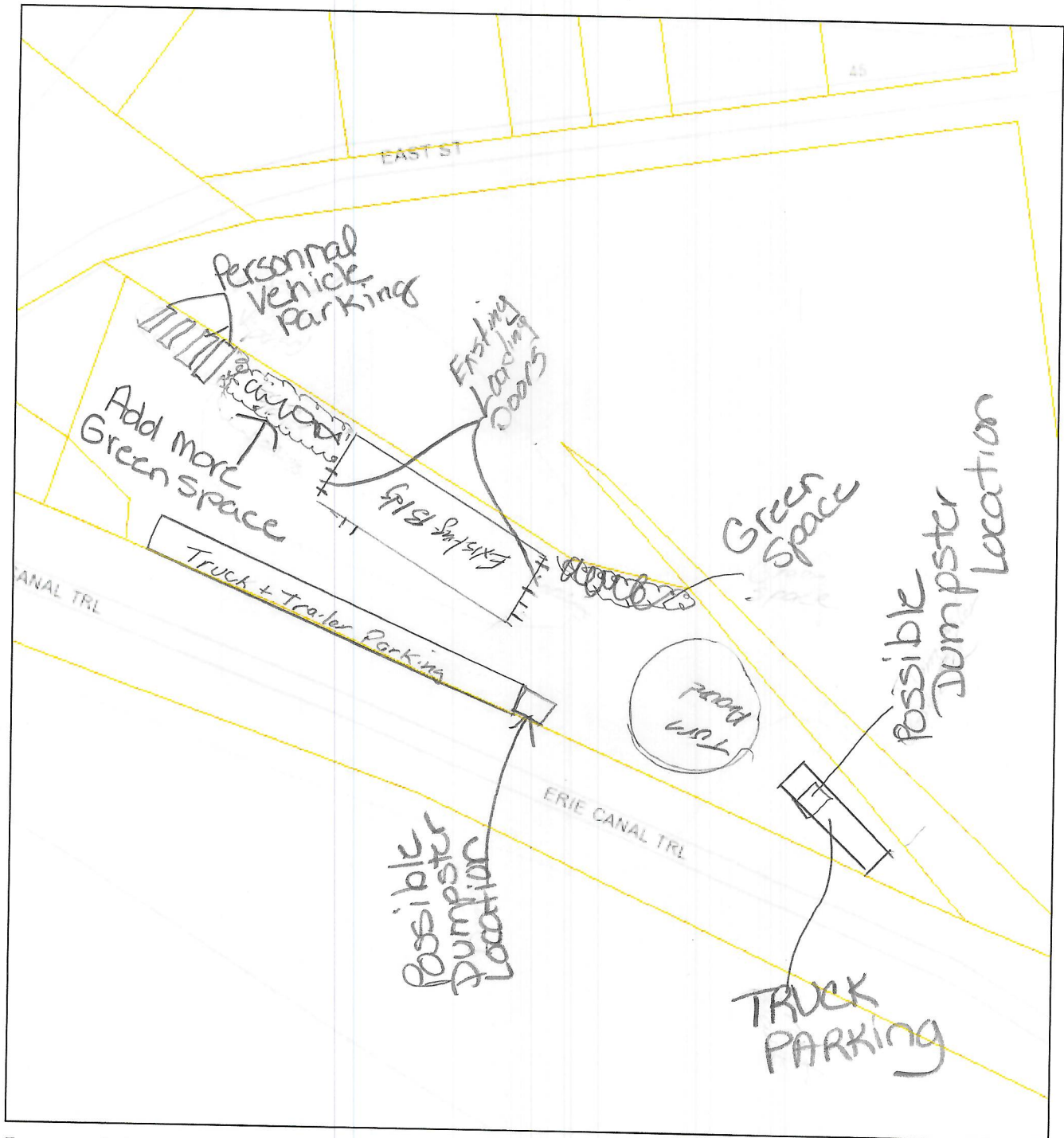
Signature of applicant: _____

Date: 12/8/22

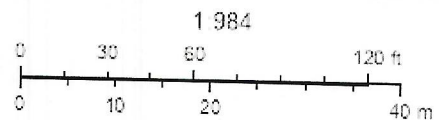
Signature of owner (if different from applicant): _____

Date: _____

Untitled Map



December 7, 2022

 Parcels

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Mapbox, and the GIS User Community

This map and information is provided as is. We make no warranties or guarantees, expressed or implied. No Author

Northeast Underlayments was established in 1998. Since then, we have dedicated ourselves to providing superior quality work and service to our customers. Everyone from our on-site Foreman's to our office staff works with you to ensure you get the best possible results.

As an ARDEX Preferred Installer, Northeast Underlayments enjoys support and training from the leaders in the manufacture of cementitious underlayments, toppings, patches, Portland and Gypsum floors and other products that most subcontractors cannot access. As a result, access to the newest systems, techniques and an established network of technical advisors help ensure your satisfaction.

A long well established independent, locally owned and operated authorized Dealer for The Icynene Insulation System® serving the Eastern and Upstate New York area and Capital District.

Northeast Spray Foam assists homeowners, home buyers, builders, and architects to design and build Healthier, Quieter, more Energy Efficient homes and buildings through our superior insulation and air-sealing system. **Northeast Spray Foam it is our sole objective to provide outstanding, reliable service to our vast array of customers.** With a diverse client base, we individualize services to meet each of our customer's needs. If you are looking for prompt, detailed and impeccable service, look no further. Northeast Spray Foam strives to create personal relationships with every customer. We give unsurpassed attention to each customer focusing our attention completely on our client base and servicing our customers to the best of our abilities. We have the most advanced equipment in upstate New York area.

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																		
31 East St																		
Name of Action or Project: NORTHEAST Underlayments LLC																		
Project Location (describe, and attach a location map):																		
Brief Description of Proposed Action: To taking the building and carve out 15% of the inside for a open office and Bathroom																		
Name of Applicant or Sponsor: Geoffery + Janet Konis		Telephone: 518-222-4170																
Address: 86 Ridge St		E-Mail: JKonis@northeastunderlayments.com																
City/PO: North Creek		State: NY	Zip Code: 12853															
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="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>											
NO	YES																	
<input type="checkbox"/>	<input checked="" type="checkbox"/>																	
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:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
NO	YES																	
<input checked="" type="checkbox"/>	<input type="checkbox"/>																	
3. a. Total acreage of the site of the proposed action?		8 acres																
b. Total acreage to be physically disturbed?		8 acres																
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0 acres																
4. Check all land uses that occur on, are adjoining or near the proposed action:																		
<table style="width: 100%;"> <tr> <td><input type="checkbox"/> Urban</td> <td><input type="checkbox"/> Rural (non-agriculture)</td> <td><input type="checkbox"/> Industrial</td> <td><input checked="" type="checkbox"/> Commercial</td> <td><input checked="" type="checkbox"/> Residential (suburban)</td> </tr> <tr> <td><input type="checkbox"/> Forest</td> <td><input type="checkbox"/> Agriculture</td> <td><input type="checkbox"/> Aquatic</td> <td colspan="2"><input type="checkbox"/> Other(Specify):</td> </tr> <tr> <td colspan="5"><input type="checkbox"/> Parkland</td> </tr> </table>				<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input checked="" 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				
<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input checked="" 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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: <u>We are a Spray Foam Insulation Company</u> <u>and will take care insulation</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: <u>It would be a new</u> <u>Engineer System by John E Hitchcock Jr ABD Engineers</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> 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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 20px;"> 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: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> </div>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: <u>1/20/23</u> Signature: <u>Janet R. Konis</u> Title: _____		

PRINT FORM

CAC SEQR FINDINGS

EAF 2023-02

31 East St– Use Variance Application

2/1/2023

PART 2

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

Yes, the land use is rural residential and does not contemplate additional commercial. However, the CAC said that since this is already a non-conforming use and the applicant is trying to make it less impactful to the neighborhood, the conflict is small.

2. Will the proposed action result in a change in the use or intensity of use of land?

No. The intensity of the use will be less than is currently operating at the site. It was noted though that the currently operating business at the site wasn't reviewed or approved by the Town.

3. Will the proposed action impair the character or quality of the existing community?

No. Furthermore, the CAC noted that the agreement to cleaning up the lot and adding green spaces along the neighboring lot lines would benefit the existing community. It was also noted that less large trucks coming and going would also be a benefits.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

No. There is no CEA in the area.

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?

No. There will be little traffic implications for this project. Although the proposal is near access to the bike path, there will be no changes to that specific area. The CAC requested that a current wildflower field between the bike path access point and the property in question be left untouched.

6. Will the proposed action cause an increase in the use of energy and/or does it fail to incorporate reasonably available energy conservation or renewable energy opportunities?

No. The business is proposing to insulate the building and add a proposed heat pump.

7. Will the proposed action impact existing: (a) public / private water supplies?(b) public / private wastewater treatment utilities?

Yes, a small use. With the addition of a bathroom tapping into the public water supplies there will be some impact however very minimal and better than no bathroom onsite.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

No to small impairment on historic, archaeological, architectural or aesthetic resources. The CAC noted the increased landscaping is important here.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

No. Furthermore, with additional landscaping the above items may be enhanced.

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

No – there are no changes to impervious surfaces and additional landscaping will help.

11. Will the proposed action create a hazard to environmental resources or human health?

No. The CAC did not identify any hazards to environmental resources or human health but requested data sheets of storage of chemicals in the building .

PART 3

The Council discussed allowing this space to be partially used as an office space would be a new non-conforming use in the R-R zone, however, given that the current use of the property is non-conforming and the new proposal is less intensive, the use would not be burdensome to the community. With only a handful of people working there during the day, and the bigger crews only stopping by to pick up supplies, it was determined that there would not be many people coming and going as there has been.

The CAC noted concerns about an aesthetic change to the community. While the building will have to have some external modifications, most of the changes will occur inside the building, and the external updates will keep with the character of the current building. Furthermore, the applicants have committed to keeping green space on site and plan to add further trees, flowers and other plants to the site to buffer the neighboring residences.

The CAC discussed the addition of a septic system to the property, however due to the low usage projected on site this should have little impact on the neighbors.

The CAC discussed whether traffic would worsen on the narrow streets of the area, however, it was found that the largest trucks that would enter the site are already smaller than the ones currently used on the property, and would drive through with less frequency. Additionally, there would be no customers driving into the office space added.

The CAC discussed the proximity of the site to the Mohawk-Hudson Bike-Hike Trail. Given the fact that the applicants have committed to increased landscape to buffer by the trail and protection of the existing wildflower field, this was not deemed an issue.

The CAC voted unanimously to recommend a negative declaration to the Zoning Board of Appeals on the Use Variance.

ZONING COORDINATION REFERRAL

For Use By SCDEDP

SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

Received _____

Case No. _____

Returned _____

Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

FROM: Legislative Body
Zoning Board of Appeals
Planning Board

Municipality: _____

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) 382-5539

ACTION: Zoning Code/Law Amendment
Zoning Map Amendment
Subdivision Review
Site Plan Review

Special Permit
Use Variance
Area Variance
Other (specify) _____

PUBLIC HEARING OR MEETING DATE: _____

SUBJECT:

REQUIRED ENCLOSURES:

1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:

the boundary of any city, village or town;
the boundary of any existing or proposed County or State park or other recreation area;
the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: _____ Title: _____

Address: _____

E-mail: _____ Phone: _____



Date: _____

Signature