

Town of Brunswick  
Zoning Board of Appeals  
336 Town Office Road  
Troy, NY 12180  
518-279-3461

Application Number ZB2020-0175

Date Application Received 6/11/20

Hearing Scheduled Date 6/15/20

Application Fee \$75.00

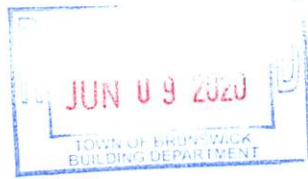
Approval Date \_\_\_\_\_ Conditions (y/n) \_\_\_\_\_

Denial Date \_\_\_\_\_ Withdrawn Date \_\_\_\_\_

Zoning Chairperson Ann Clemente

Application of a Variance

General Information



Applicant Name: VAN PHUNG

Property Owner Name: DENISE BREEN

Company: \_\_\_\_\_

Company: \_\_\_\_\_

Address: 42 Humiston Ave  
Troy, NY 12182

Address: 42 Humiston Ave  
Troy, NY 12182

Phone: [REDACTED]

Phone: [REDACTED]

Applicant is: Owner  Builder \_\_\_\_\_ Lessee \_\_\_\_\_ Architect/Engineer \_\_\_\_\_ Agent \_\_\_\_\_  
Other  If other, please explain: domestic partner / boyfriend

Lot Information

Street address of Lot: 42 Humiston Ave, Troy, NY 12182

Parcel ID Number: 90.-1-10.1 Zoning District: R-25

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

Existing: Lot Area 1,195 Frontage 150 Depth 650  
Setbacks: Front 39 rear 530 Left 2.7 Right 90

Proposed: Lot Area 1,85 Frontage 150 Depth 650  
Setbacks: Front 126 rear 536 Left 85 Right 15

Type of Water Service: Town water Type of Sanitary Disposal: Town sewer

Describe Existing Use:  
Single family home

Type of Request: Area Variance  Use Variance  Sign Variance \_\_\_\_\_

Briefly describe the proposal:  
We would like to apply for variance to build a garage, mainly for purpose of solar energy generation.

**Abutters-Adjacent Property Owners**

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

	Name:	Address:	Property Use
Front	<del>None</del>	Carmela Bianchi - 13 Hunter's Run Blvd, Cohoes, N.Y.	
Rear	<del>None</del>	St. Peter's Cemetery - 40 Maine Ave, Albany, N.Y.	
Left	Todd and Donna Vandenburg		
Right	Antoinette Mazzariello		

**Required Submittals**

- A plot plan showing all dimensions of buildings, yard (front, side and rear setbacks of building(s) (proposed and existing)), lot size, and streets.
- Part 1 of the State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form
- Application fee

**NOTE: Additional submittals may be required by the Zoning Board of Appeals. Failure to submit all required documents may result in a delay in the processing or denial of the application.**

Have there been any other variances issued for this property? (Y or N) N  
If yes, explain: \_\_\_\_\_

For any Area Variance Request, please complete the following:

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

Lot Size:  
 Width at set back:  
 Front Setback:  
 Rear Setback:  
 Left Side Setback:  
 Right Side Setback:  
 Maximum Lot Coverage:  
 Maximum Height:

REQUIRED	PROPOSED
120'	Accessory structure
70'	126'
25'	536'
15'	85'
15'	15'
20%	1.61%
20'	22'

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

Number of Parking Spaces:  
 Buffer:  
 Units per Acre:

REQUIRED	PROPOSED
NA	NA

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.

There will be no undesirable change in the character of the neighborhood because there are garages and multiple sheds in the area.

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.

We need a garage large enough to work on/renovate a 24' airstream trailer. Also to improve the look of neighbor by parking/storing our vehicles/trailers/boats in the garage. We also need a roof area large enough to generate enough electricity to charge 2 electric cars.

3. Describe whether the requested Area Variance is substantial.

The requested variance is not substantiated on a lot of 2.73 acre

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

The proposed variance will have no adverse effect on the physical or environmental conditions in the neighborhood because garages and sheds are very common in the neighborhood.

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

The difficulty is self-created, however we have a reasonable need to park our vehicles indoor and space to work on our retirement airstream trailer.

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 Brunswick to process this application as provided by law.

I also authorize the Town of Brunswick Building Department and Zoning Board of Appeals to enter the property that is the subject of this application for the purpose of inspection and consideration of the application documents.

Applicant:

Property Owner:

Name: Denise Breen, Van Phung

Denise Breen

Signature:



Date:

6/11/2020

6/11/2020

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.


Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project:							
Project Location (describe, and attach a location map): <i>42 Humiston Ave, Troy, NY 12182</i>							
Brief Description of Proposed Action: <i>Build garage for solar power generation purpose.</i>							
Name of Applicant or Sponsor: <i>Denise Breen / Van Phung</i>	Telephone:						
Address: <i>42 Humiston Ave.</i>	E-Mail:						
City/PO: <i>Troy, NY</i>	State: <i>NY</i>	Zip Code: <i>12182</i>					
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </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"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?			<i>2.73</i> acres				
b. Total acreage to be physically disturbed?			<i>1.61</i> acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			<i>2.73</i> acres				
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____							
<input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO
		<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? 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?	
b. Are public transportation service(s) available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		c. Are any pedestrian accommodations or bicycle routes available on or near 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: _____ _____		NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ _____		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ _____		NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. 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?		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" 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 plain?		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, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES _____ _____		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

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: _____ _____ _____	NO   <input checked="" type="checkbox"/>	YES   <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: _____ _____ _____	NO   <input checked="" type="checkbox"/>	YES   <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: _____ _____ _____	NO   <input checked="" type="checkbox"/>	YES   <input type="checkbox"/>

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: Denise Breen Date: 6/11/2020  
 Signature: 



Project:

Date:

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

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?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

**PRINT FORM**

**Short Environmental Assessment Form  
 Part 3 Determination of Significance**

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 significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____ Name of Lead Agency	_____ Date
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**