

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	25-10
Date Application Received	4/25/25
Hearing Scheduled Date	5/14/25
Application Fee	\$150
Approved Date	Conditions
(y/n)	
Denial Date	Withdrawn
Date	

Applicant:
Name: Mr. Matthew Falvey
Company: Rosetti Construction LLC
Address: 427 New Karner Rd
Albany BY 12205
Phone: 518-894-7705

Property Owner:
Name: Mr Jason Devito
Company: Le Femme LLC
Address: 112 Worcester Street
Phone: 617-905-5326

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

Lot Information

Street Address of Lot: Valley View Boulevard

Parcel ID Number: 133.-2-1.161 & 1.19 Zoning District: IG - Industrial

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

Existing: Lot Area 17.86 Frontage 348 Depth 1450

Set Backs: Front 35 Rear 50 Left 40 Right 40

Proposed : Lot Area 17.86 Frontage 248 Depth 1450

Setbacks: Front 82 Rear 976 Left 42 Right 127

Type of Water Service: public Type of Sanitary Disposal public

Describe Existing Use:
vacant

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

Briefly describe the proposal:

Applicant is proposing a 36-unit apartment building, roadway, parking lot and related amenities

Abutters- Adjacent Property Owners

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

	Name:	Address:	Property Use:
Front	MA Capital Properties Corp	90 State St Ste 601 Albany, NY 12207	Storage
Rear	John P Nittinger & Laura A. Fay	1266 Best Rd East Greenbush NY 12061	Vacant
Left	Community Hospice -Kelly Hoffman	2212 Burdett Ave Troy, NY 12180	Vacant
Right	JR Albany Holdings LLC	2727 LBJ Fwy Ste 806 Dallas TX 75234	Apartments
Right	RR & JR LLC	427 New Karner Rd Albany, NY 12205	Apartments

Kc:/zba/zba application

Left	Matthew & Margaret Heeran	66 Rock Cut Rd Rensselaer NY 12144	Residential
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Required Submittals

- ☒ A plot plan showing all property lines, dimensions, adjacent streets, existing structures, setback distances, and location of proposed changes.
- ☒ Part 1 of the State Environmental Quality Review (SEQR) Short Environmental Form
- ☒ Appropriate fee, as determined by the Code of the Town of North Greenbush, and as Calculated by the Building Department

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

Have there been any other variances issued for this property? (Y or N) N

If yes, explain:

For any Area Variance Request, please complete the following:

Proposed use/construction: _____
(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

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

Number of Parking Spaces:

Buffer:

Units per Acre:

REQUIRED	PROPOSED

Area Variance Continued

N/A

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.

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.

3. Describe whether the requested Area Variance is substantial.

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

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

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.

This area is currently developed as high density multi-family and commercial bldgs.

so the proposed use is consistent with the community character

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.

Multi - family dwellings are permitted by Special Use Permit in the IG zone.

per Chapter 197-7, Article IV Table 1 Part 12.

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:

MATTHEW FALVEY

Signature:

[Signature]

Date:

4/24/25

APPROVED

By Jason DeVito at 10:14 am, Apr 23, 2025

FEES as per Town Code Chapter 197

Special Permits for a residential single parcel: \$50

Special Permit for non-residential parcel: \$150

Area Variance for a single residential parcel: \$100.00

Area Variance for a non- residential parcel: \$300.00

Use Variance for a single residential parcel: \$200.00

Use Variance for a non-residential parcel: \$500.00

617.20

Short Environmental Assessment Form

Part 1 - Project Information

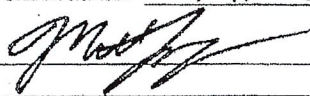
Instructions for Completing

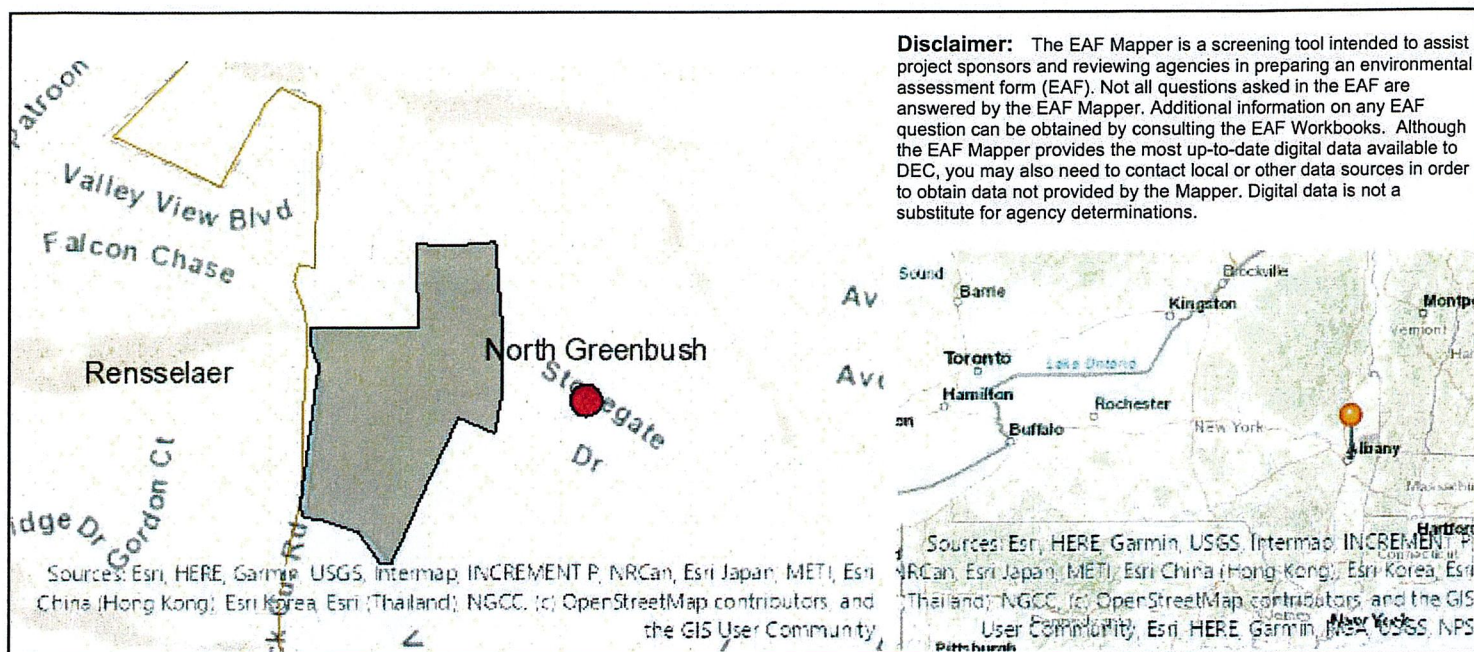
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Rosetti Apartments			
Project Location (describe, and attach a location map): Valley View Boulevard			
Brief Description of Proposed Action: Applicant proposes a 36-unit apartment building, roadway, parking lot and related amenities This project would include building out the portion of this parcel of land which fronts on Valley View Boulevard and is approximately 4 acres in size.			
Name of Applicant or Sponsor: Rosetti Construction , LLC		Telephone: 518-864-7705 E-Mail: matthew@RosettiCompanies.com	
Address: 427 New Karner Road			
City/PO: Albany		State: NY	Zip Code: 12205
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input 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: North Greenbush Planning Board - site plan approval NYSDEC - SWPPP, ZBA - Special Use Permit		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		17.86 acres	
b. Total acreage to be physically disturbed?		3.1 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		17.86 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <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 checked="" 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 type="checkbox"/>	<input checked="" 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"/>	YES <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: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation services 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 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? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input checked="" 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 <input checked="" type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <input checked="" 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 checked="" 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,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
follow existing drainage patterns		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
detention pond and treatment per nys dec swppp guidelines	<input type="checkbox"/>	<input checked="" 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	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:	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: <u>MATTHEW FALVEY</u> Date: <u>4/24/25</u>		
Signature: <u></u> Title: <u>VP</u>		



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