

ZONING BOARD OF APPEALS
Town of North Greenbush
2 Douglas Street
Wynantskill, NY 12198
Meeting Minutes
May 15, 2019

Attendance: John Dalmata, Richard French (Chairman), Leanne Hanlon (Secretary), Michael Miner (Building Department) absent, Robert Ewing, Tony Crusetti, Louise Germinerio, Al Kolakowski (Legal Counsel).

Chairman French opened the meeting with the Pledge of Allegiance and roll call. Chairman French also explained the special permit rules.

Old Business:

Application 19-06, for the special permit request of Markeith Mills, 300 Valley View Blvd, Rensselaer, NY 12144, for a Women and Children shelter, at the property located at 300 Valley View Blvd, Rensselaer, NY 12144, in an IG district, having parcel ID#: 133.-2-1.17. **HAS BEEN WITHDRAWN**

New Business:

Application 19-08, for the special permit request of Kristin Sorbaro, 7 Stephen Drive, Wynantskill, NY 12198, for the purpose of allowing chickens at the property located at 7 Stephen Drive, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 124.10-6-25.

Kurt Arnold representing Ms. Sorbaro. He explained that she wants to have 2 chickens and no rooster. Disposal of waste would be regularly clean the coop and dispose the waste. A picture of the coop was provided. The coop will be enclosed and there will be a run as well. Mr. Arnold did not know how she will keep the feed.

Public Hearing opened:

Tim Wood, 6 Stephen Drive: He has concerns about having chickens in the neighborhood and odd that the applicant is not present. He is worried about how do you enforce the number of chickens, what if they get a rooster. He said the neighborhood is not a farm setting. He is also concerned about other animals that will come around once she gets chickens. He is not agreeable to this. Chairman French explained that the board does put conditions on these type of applications regarding waste disposal, coop confinement, feed be kept a certain way, etc. Chairman French also stated that the number of applications we have had for chickens and

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only two complaints came in. Chairman French explained that the board does put conditions on these type of applications regarding waste disposal, coop confinement, feed be kept a certain way, etc. Chairman French also stated that the number of applications we have had for chicken's only two complaints came in. Mr. Arnold stated the applicant knows the consequences of getting a rooster. Mr. Miner explained that they will not be allowed to run all over.

Megan Malone, 176 Pershing Ave: she stated people want organic eggs and predators have been addressed.

Mr. Miner stated the applicant can't get just 2 and they sell them in packs of 6.

Motion made to close public hearing by Mr. Crusetti and seconded by Ms. Germinerio.

Public notice posted, sign posted. County stated local consideration shall prevail per Mr. Miner. No correspondence.

Conditions: Completely fenced in on all sides, no free range, no rooster, waste plan must be done and feed storage must be in specific containers for bd to review. No more than 6 chickens. Single family home – Type II SEQRA

All questions were read and asked for the board.

Motion made to approve with above conditions by Ms. Germinerio and seconded by Mr. Dalmata.

Roll call vote: Dalmata, Crusetti, French, Germinerio, Ewing.

Application 19-09, for the area variance request of Kari Norton, 4 Sunrise Terrace, Wynantskill, NY 12198, for relief from side setback requirements of 10 feet for the purpose of allowing an accessory building (shed) 2 ft from the left side property line, located at 4 Sunrise Terrace, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 135.6-1-9.

HAS BEEN WITHDRAWN

Application 19-10, for the area variance request of Margaret & Anthony Lourinia, 53 Kuhl Blvd., Wynantskill, NY 12198, for relief from setback requirements of 20 ft, for the purpose of constructing an above ground swimming pool 5 ft from property lines, at the property located at 53 Kuhl Blvd., Wynantskill, NY 12198, in an R1 district, having parcel ID#: 124.14-8-5.22.

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Lou Lourinia representing his daughter in law and son. He distributed a drawing for the board to review. He showed where the pool will be and why they cannot put it anywhere else on the property. There is a natural drainage ditch near the proposed location of the pool that he and the neighbor maintain it. He feels there is no alternate location. There is a 6 foot fence all around the yard.

Public Hearing opened:

Andrew Mair, Brinker Drive, DeFrestville: He pointed out that all the applications are R1 except Alexis. He said this is 75%. That exceeds the usual 50% the board uses. Is there a maximum lot size coverage? Mr. Miner stated a pool is not normally considered in calculation for lot size coverage.

Motion made to close public hearing by Mr. Dalmata and seconded by Ms. Germinerio. Public notice published, sign up, local consideration shall prevail per Mr. Miner. The board agreed there is no other location to put the pool.

Conditions: drainage runs toward the existing swale.

Undesirable change character of neighborhood: No

Benefits sought by applicants are pursued other than area variance: No

Substantial: No given the circumstances

Adverse effect on physical and environmental conditions: No

Self created: Yes but does not preclude

Single family home – Type II SEQRA

Motion made to approve with above condition by Mr. Crusetti and seconded by Ms. Germinerio.

Roll call vote: Dalmata, Crusetti, French, Germinerio, Ewing.

Application 19-11, for the area variance request of Kelsey Alberino, 15 Bellemead Street, Wynantskill, NY 12198, for relief from setback requirements of 20 ft. for the purpose of constructing an above ground swimming pool 10 ft from property lines, at the property located at 15 Bellemead Street, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 124.6-7-11.

Nick Alberino explained the request. It would have to go in the location noted because the egress from the deck would not work if moved. Filter and flush will be behind the pool.

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Public Hearing opened:

No one wishing to speak.

Mr. Miner stated this is an undersized lot.

Motion made to close public hearing by Mr. Dalmata and seconded by Ms. Germinerio.

Public Notice, signage and no comment from county per Mr. Miner.

Conditions: No direct flush line on an adjoin property.

Undesirable change character of neighborhood: No

Benefits sought by applicants are pursued other than area variance: No small lot

Substantial: No

Adverse effect on physical and environmental conditions: No

Self created: Yes but does not preclude

Single family home – Type II SEQRA

Motion made to approve with above condition by Mr. Dalmata and seconded by Mr. Ewing.

Roll call vote: Dalmata, French, Ewing, Germinerio, Crusetti

Application 19-12, for the area variance request of Ronald & Georgia Springer, 3638 Mechanic Street, Valatie, NY 12184, for relief from minimum lot size requirement of 20,000 sf, front setback requirements of 35 ft., side setback requirements of 20 ft. and width at setback of 110 ft., for the purpose of allowing the construction of a single family home on a lot having 7,909 sf. with a 25 ft. front setback, a 16 ft. right side setback, a 13 ft. left side setback and a width at setback of 53 ft., at the property located at 12 Orchard Terrace (lot # 207), in an R1 district, having parcel ID#: 124.6-8-13.

Mr. and Mrs. Springer spoke about the application. His health and concerned about support and his daughter is the only support. His daughter lives next door to this lot. This would allow them to fund and construct a home similar style and size consistent with the neighborhood. They would sell their home in Valatie to move here. What they are asking seems to be similar in size to the homes in the area.

Mr. Miner asked if they considered an addition to their daughter's home. They did however they would like equity in this property if his wife has to sell this new home. Chairman French

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said after the property is no longer needed and would be sold this board has created an undersized lot. Chairman French stated he thought build an addition and not an entire new home. This would create two undersized lots. Variances are being created on the existing home that is there per Mr. Dalmata.

Public Hearing opened:

Andrew Mair, Defreestville: He has never met Mr. and Mrs. Springer and is sure they are nice people. This is four variances. He noted the percentage of each variance. He feels there is a cumulative effect here. This will also create the need for additional variances on the adjoin lot. The caregiver law adopted in 2016 would work for this application. There is another solution that requires no variances. He asked the board to consider what is being asked here ad to find another solution.

Motion made top close public hearing by Ms. Germinerio and seconded by Mr. Dalmata.

County- no comment per Mr. Miner. No written comments.

Chairman French stated this is substantial.

Undesirable change character of neighborhood: No

Benefits sought by applicants are pursued other than area variance: Yes –caregiver law.

Substantial: Yes

Adverse effect on physical and environmental conditions: No

Self created: Yes but does not preclude

Single family home – Type II SEQRA

Mr. Miner stated the caregiver law was created to create privacy.

Applicant has decided to withdraw the application.

Application 19-13, for the area variance and approval of E.C. Stump, 1706 Infamous Graphics, LTD, 1706 Central Avenue, Albany, NY 12205, for the approval of modifications to the existing sign and the addition of an LED message board sign, at the property located at 294 North Greenbush Road, Troy, NY 12180, in a BN district, having parcel ID#: 123.17-15-7.

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Barry Cook representing Infamous Graphics. This is Alexis Diner. They want to modernize the existing sign. The footprint will stay the same. The letter sign will be replaced with a translucent lighting and LED bulbs. The manual board will be removed and an LED sign will be added.

Public Hearing Opened:

Albert Kolakowski and his wife have a business next door to this and has no problem with this application.

Andrew Mair: Asking what is changing. Chairman French showed him the photo of the changes. He also asked what is the area variance for?

Mr. Miner stated hours of signage that would be lit should be considered.

Mr. Cook stated the diming controls are automatic on this sign. Too bright is an annoyance.

Motion made to close public hearing by Mr. Crusetti and seconded by Mr. Ewing. All in favor.

Conditions: no animations or moving graphics. Hours of sign on will be one hour before and one hour after closing. Daytime automatic diming and brightness controls need to be applied. Change on sign should be 8-10 seconds.

Public notice, county has no comments per Mr. Miner. No written correspondence.

Undesirable change character of neighborhood: No

Benefits sought by applicants are pursued other than area variance: No

Substantial: No

Adverse effect on physical and environmental conditions: No

Self created: Yes but does not preclude

All SEQRA questions were asked and the part 2 was completed a read.

Motion made for neg dec by Mr. Ewing and seconded by Ms. Germinerio.

Roll call vote: Crusetti, Dalmata, French, Ewing, Germinerio

Motion made to approve with above conditions by Mr. Crusetti and seconded by Mr. Ewing.

Roll Call Vote: Crusetti, Dalmata, French, Ewing, Germinerio

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Application 19-14, for the area variance of Moore Creations, LLC, Don Moore, 82 West Street, Lenox, MA 01240, for relief from side setback requirements of 10 ft. and separation requirements from a principle structure of 12 ft. for the purpose of constructing an accessory building (garage) 5 ft. from the left side property line and 9 ft. from the principle residence, at the property of Patrick & Michelle Nolan, located 224 Geiser Road, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 135.-3-17.

Mr. Moore explained the application. Building a two car garage. There is a temp car port that will be replaced. This would go at the end of the existing driveway. Siding will match the house as well as the roof per Mr. Moore. No business from the home. Single family home. The water will be draining front to back. There will be a gutter line on both sides.

Public Hearing opened:

Rich Ostwalt, 226 Geiser road: He does not agree with the 5 foot from property line. Why can't it be an attached garage? That would result in more of a variance per Chairman French. He said this is a big lot and there are other places to put it. Chairman French stated that would result in adding another driveway. Mr. Moore said he could do 7 and 7 instead of 5 and 9.

Andrew Mair, Brinker Drive: None of these exceed the 50 n% rule. Is there a fire code regulation as to how far the buildings have to be and Mr. Miner stated it is 3 feet.

Motion made to close public hearing by Ms. Germinerio and seconded by Mr. Ewing.

Conditions: Materials must match existing home as best possible. Drainage run front to rear. The front line needs to have a gutter to bring water to rear of garage. Side setback and separation are 7 feet on both sides.

Motion made to approve with above conditions by Mr. Crusetti and seconded by Mr. Dalmata.

Application 19-15, for the area variance of Megan Malone, 176 Pershing Avenue, Wynantskill, NY 12198, for relief from front setback requirement of 35 ft. for the purpose of constructing a deck 18 ft. from the front property line, at the property located at 176 Pershing Avenue, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 135.10-2-10.2.

Ms. Malone spoke about her application. Construct a deck at the front of the house that faces the lake. Consistent with character of neighborhood she feels. She would do landscaping around it as well.

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Public Hearing opened:

No one wishing to speak.

Motion made to close public hearing by Mr. Ewing and seconded by Mr. Crusetti.

Public notice, signage, county state local consideration shall prevail.
No correspondence per Mr. Miner.

Undesirable change character of neighborhood: No
Benefits sought by applicants are pursued other than area variance: No
Substantial: No
Adverse effect on physical and environmental conditions: No
Self created: Yes but does not preclude

Motion made to approve by Mr. Crusetti and seconded by Mr. Ewing. All in favor.
Roll call vote: Crusetti, Dalmata, French, Ewing, Germinerio

Andrew Mair is asking for a zoning interpretation and Mr. Miner stated he doesn't feel this board can give a zoning interpretation on the master plan. Fred Kirwin is looking at this as well per Mr. Miner.
Chairman French stated the zoning law being trumped by the master plan. Al Kolakowski stated we do not have jurisdiction. He said there is no application in front of this board either. This will be on the agenda next month for the board to review if Mr. Kolakowski reads the email and determines we can make an interpretation.

Motion made to approve March 2019 minutes by Mr. Dalmata and seconded by Mr. Crusetti

Motion made to approve April 2019 minutes by Ms. Germinerio and seconded by Mr. Ewing

Motion made to adjourn at 8:20pm by Mr. Crusetti and seconded by Ms. Germinerio.