

ZONING BOARD OF APPEALS
Town of North Greenbush
2 Douglas Street
Wynantskill, NY 12198
Meeting Minutes
July 10, 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:

None

New Business:

Application 19-17, for the area variance of Vincent Catricala, 221 Pershing Avenue, Wynantskill, NY 12198, for relief from minimum lot size requirements of 20,000 SF and relief from front setback requirements of 35 ft., for the purpose of constructing a single family home on an existing lot, having 15,000 SF with a front setback of 16 ft. at the property located on Shore Court, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 135.14-2-3.

Mr. Catricala spoke about his application. He wants to move his house 16 feet up toward the road to line up with the other homes. Lot size remains the same. It will give him more back yard and would look uniform on the road. He is connected to sewer and water.

Public Hearing opened:

Andrew Mair, Brinker Drive DeFrestville: Stated this is a 54% variance which is above the common 50% variance the board typically uses.

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

Chairman French stated this will line the house up on the street and will still be back by a foot or two from the other homes. Chairman French feels this would look better as well as other board members. Chairman French stated those homes were all built before any zoning regulations.

Undesirable change character of neighborhood: No per board members
Benefits sought by applicants are pursued other than area variance: No

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Substantial: No based on the neighborhood
Adverse effect on physical and environmental conditions: No
Self created: yes but does not preclude

Type II SEQRA- single family home

Conditions: No further forward on lot than the other homes

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

Application 19-18, for the area variance of Brian Sipperly (agent for applicant, CMCL, LLC), Verity Engineering, DPC, P.O. Box 474, Troy, NY 12181, for relief from the minimum separation of principal buildings for the purpose of allowing two principal buildings on a lot having 35 ft. of separation, at the property located at 422/424 North Greenbush Road, Rensselaer, NY 12144, in a BN (Neighborhood Business) district, having parcel ID's#: 134.13-6 & 134.13-7.

Mr. Sipperly presented the application to the board. He provided a drawing for the board to view. Chairman French stated that he was assured by Mr. Miner that there can be more than one principal business is allowed on one lot. Mr. Sipperly stated Nathan Burroughs from CMCL was also present. He noted a specific line item in the code. The home was deemed not worth saving. The merged parcel is located at the intersection of Avenue B and Rt. 4. Lot size is .74 acres. One of the buildings is used for business purposes. Zoning is Neighborhood business and R1. Site is served with public water. No wetlands or standing water per Mr. Sipperly. Site drainage is sheet flow off the site. They want to raise the structure at 422 and build a 3000 sq. foot footprint with two stories. 5,000 sq. feet of office and 1,000 sq. feet in the garage for storage. 28 new parking spaces. Moving the curb cut in the parking lot to the west. They will abandoning the water service on Avenue B. Abandoning two on site waste water systems on site presently and will build a new system for both facilities. Testing from the health department was also completed. Storm water-site is under an acre so the code does not require storm water management plan however they will mitigate any issues. Traffic: it will increase slightly per Mr. Sipperly. 19715B requires 40 feet between two buildings they are asking for 35.3 feet. Chairman French asked about the other lot and septic. Mr. Sipperly showed the board that. He also asked if he was working with the Planning Board as well. Mr. Sipperly stated they were at the 6/24/19 PB meeting. PB did not have any major comments. He did they are reappearing in front of PB the end of July again. Chairman French asked if any of the tenants will use multiple floors. Mr. Sipperly stated that is not know at this time. They have no named perspective tenants at this time.

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They are aware they are subject to the Rt. 4 guidelines.

Mr. Ewing asked about the greenspace and that there is already a buffer there. The buffer will not be touched per Mr. Sipperly. The tree line will also not be affected.

Public Hearing opened:

Andrew Mair, Brinker Drive: He looked at code 197-15D. He read that code. Chairman French explained how the code came up with 40 feet. If the building is new why is the applicant not complying with the 40 feet? Chairman French stated the applicant will explain. He wanted to clarify that the surveyors will use the new storage space. He also stated that since this new construction he is opposing the variance.

Karen McGloughlin, 420 North Greenbush Road: Her concern is how this building going to draft her property and how the parking area meets her yard where her grandkids play. Chairman French stated that will be reviewed in the PB meeting. They are due before PB on July 22nd. A Public Hearing for that has not yet been scheduled for the PB yet. The parking is coming up to her property line.

Mr. Sipperly stated all the questions were read an answered.

Undesirable change character of neighborhood: Mr. Sipperly stated that area has been rezoned and they can have a 5000 sq. foot footprint under code.

Benefits sought by applicants are pursued other than area variance: The guidance the applicant received and the footprint he received was this way with 35 feet between. It is the most efficient way. Could the applicant shrink the building? Sipperly stated yes they could however he would be back before the board because the separation would then be closer.

Substantial: Mr. Sipperly stated they are indicating it is not because they are asking for only a 4.6 foot relief.

Adverse effect on physical and environmental conditions: No per Mr. Sipperly and they are also changing storm flows. They are not required to do any storm water management but they are going to.

Self created: Yes however does not preclude

Chairman French stated this is just over 10%.

Mr. Ewing's concern is that since this is new construction he doesn't understand how they cannot make the 40 feet. He did understand how they had to lay out the building. But wished it was thought through.

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

County: Local consideration shall prevail.

All SEQRA questions were asked and answered by the board members.

Motion made for a neg dec by Mr. Dalmata and seconded by Mr. Ewing.
Roll call vote: Dalmata, Crusetti, French, Germinerio, Ewing. All in favor.

Mr. Ewing stated it can be approvable however this is at the Planning Board level and most is with the PB and the variance is for the footage between the buildings. Chairman French stated that when 424 was converted it needed site plan review and Mr. Sipperly stated yes. Mr. Crusetti feels the same.

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

Application 19-19, for the area variance request of Steven & Nancy Bell, 31 Grandview Drive, Poestenkill, NY 12140, for relief from minimum lot size requirements of 30,000 SF for the purpose of constructing a single family home on a lot having 23,873 SF, at the property located at 36 A Meadow Drive, Troy, NY 12180.

Mr. Bell spoke about his application. He stated he would like to build a ranch style home on the lot and retire to it. They purchased the lot recently. The lot size is ? acres. The ranch will be a little over 1600 sq. feet. Mr. Bell presented a rendering of the projected home on the lot.

Public Hearing opened:

Gail Gorsky, 31 Meadow Drive: She has some concerns that are adjacent. She is surprised the board is hearing this because it was only posted 7 days ago, not 10 days as it should have been and it was over a holiday. Chairman French stated if that was the case this can be extended to next month. She asked if the public can have access to the application and Chairman French stated yes through the Clerk's office. She asked if there would be a driveway, sidewalk or other structures? She feels this will affect their existing storm drainage problem. Chairman French stated their setback is over 60 and they only need 45. Their side setback are also above what they need to be. Chairman French stated setbacks front 43 feet rear 64 feet, left 40 and right 45. B left 42, right 43.

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Lot size is 35000 they are proposing 1600. It meets all the required setback just the minimum lot size they do not meet. She stated the town requires an easement to unclog the drain pipe. She stated the new owner does not allow the town to come on the land so they have a drainage issue. Mr. Bell is not familiar with the drainage pipe in question. Ms. Gorsky said that now there will be a house on the ground that absorbs the water and make it worse. Chairman French said it is not typical that a drainage plan be submitted to the ZB. Chairman French stated they have to have an approved set of plans from the health department for the septic before he can get a building permit. She feels the variance is substantial and creating all their difficulties.

Per Mr. Dalmata he is requesting an 8% variance and a garage 20x24. Even with the garage he is still allowed 40\$ coverage. The size of the lot is a 20% variance which is a minimum lot size. The only thing they don't meet is the 30,000 to 23,873 lot size, they meet all the other requirements. She said putting a home on the lot that absorbs water then will not be affecting all the surrounding neighbors.

Dan Sprowsky, 40 Meadow Drive: the lot in question he said was filled in about 50 years ago. The pipe may have been laid then but not sure. He said 30 years ago the town was having drainage issues and the road flooding. Mr. Petit the other owner would not let the town on the property to work on the pipe. His lot this year has had water issues. He doesn't know how putting a house on this lot will affect him. He has never had to have sump pumps for his basement.

Randy Rowe, 35 Meadow: Gave the board a picture of the pipe. He said now would be the time to fix the pipe.

Andrew Mair asked if this is an R1 district and it is.

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

Mr. Bell stated that if the variance is granted they will have the same self interest in the drainage. He would allow the town to put drainage across the property as long as it doesn't impact his property. He does not want to bear the cost or significantly impact his property though.

Chairman French asked if this would impact to adjourn one month. Mr. Bell stated they close in August. Mr. Premo did tell his realtor that he was not aware of that pipe. Mr. Bell has no objection to put a drainage pipe along his property as long as there is no cost to him and as long as it does not impact his footprint. Chairman French said a solution is possible.

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Chairman French asked counsel and also called Mr. Miner to ask about the signage only being up 7 days and not ten. Mr. Miner stated he does not know when the signage was placed.

Undesirable change character of neighborhood: No

Benefits sought by applicants are pursued other than area variance: No the lot is land locked

Substantial: No it is only 20%

Adverse effect on physical and environmental conditions: No

Self created: Yes does not preclude.

Type 2 SEQRA

There is an issue with the water problem however we have to approve what's before this board per Chairman French. Mr. Bell needs to have a discussion with the highway superintendent himself and with his neighbors.

Conditions: Gutters and foundation drainpipes to daylight at rear of property. Approved Septic permit from Health Department prior to issuance of building permit.

Motion made to approve with conditions Mr. Dalmata and seconded by Ms. Germinerio, all in favor.

Roll call vote: Dalmata, Crusetti, French, Germinerio, Ewing. All in favor.

Chairman French read a letter into the record that was received from RB Richard, 78 Sharp road, regarding duplicating of businesses in the town.

Motion made to approve June 2019 meeting minutes by Mr. Crusetti and seconded by Mr. Dalmata. Ms. Germinerio abstaining.

Motion made to move the ZB meeting next month from Wed August 14th to Tuesday August 13th by Chairman French and seconded by Ms. Germinerio.

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