

ZONING BOARD OF APPEALS
Town of North Greenbush
2 Douglas Street
Wynantskill, NY 12198
Meeting Minutes
November 13, 2019

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

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

New Business:

Application 19-37, for the area variance request of Richard Kenyon, 4 Lakeshore Drive, Wynantskill, NY 12198, for relief from restrictions prohibiting an accessory building in a front yard for the purpose of allowing a 12 X 28 accessory building, at the property located at 4 Lakeshore Drive, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 135.13-8-32.2.

Mr. Kenyon spoke about his application. He said it is on the other side of the street but town definition makes it a front yard. Someone offered him a shed when they left and now he has it and didn't know he needed a variance for that. He said this is a portable building that will not be there forever. Used for boating toys and lawn mower and winter storage.

Public Hearing opened:

Andrew Mair, Brinker Drive asked what size and it is 12 x 28. He also asked if setbacks have been met and they have.

Motion made to close public hearing by Crusetti and Ewing.

Single family home Type II SEQRA

County: local consideration shall prevail

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 however does not preclude

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Motion made to approve by Dalmata and Crusetti.

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

Application 19-38, for the area variance request of Gary Grimaldi, 11 Valente Drive, Wynantskill, NY 12198, for relief from restrictions prohibiting a fence height greater than 6 ft, for the purpose of allowing an 8 ft. fence, at the property located at 11 Valente Drive, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 124.10-6-27.

Mr. Grimaldi spoke about his application. That side of his property is 270 feet and the back of the property the lot behind him is higher than his and it is for privacy. It has to be that high because of the property elevation. You can't see it from the road. 91 feet of 8 feet and the rest is already 6 feet. He provided a pic of the fence. That property behind him has been vacant for two years and is a mess. He provided pics of the current two lots and showed exactly where he will put the fence.

Public Hearing opened:

No one wishing to speak.

Motion made to close public hearing by Ewing and Germinerio.

Single family home Type II SEQRA

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 however does not preclude

County: Local consideration shall prevail.

Motion made to approve as presented by Mr. Dalmata and seconded by Mr. Crusetti. All in favor.

Application 19-39, for the area variance request of Sign Studio, Inc. (Ron Levesque), 98 Niver Street, Cohoes, NY 12047, for the purpose of allowing an electronic message board sign, at the property located at 528 North Greenbush Road, Rensselaer, NY 12144, in a BG district, having parcel ID#: 144.2-4-3.

Mr. Levesque spoke about the application. He is representing Habana Cigar Shop. They want to make the sign so it is electronic. This would be an electronic message board.

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Chairman French said their concerns with these is how often the message changes, the garish colors and color schemes, traffic distraction. Mr. Levesque said it would be far less distraction than the one in front of the town offices. His would be small and no scrolling or animation. Chairman French stated no more than 10 changes per hour. Mr. Levesque started because it is a cigar shop there won't be multiple details on the sign. Hours of operation of the sign would be no overnight. One hour after it closes and one hour before opening as a condition. Mr. Levesque talked about intensity. This unit will be dimmable. Message portion is small than the sign.

Public Hearing opened:

Andrew Mair, Brinker Drive: He is concerned about distractions. That part of Rt. 4 is very busy and congested. Also there are a lot of illegal left turns. He did his own study that he distributed to the board. Also the new car wash across from the cigar shop will cause illegal left turns there as well. This location could cause a distraction if there is an LED sign there because of all the illegal turns near there and it is dangerous. He is asking that it not be approved. He also looked at the design guidelines for Rt. 4 and harsh or glaring colors will be illuminated. He said a simple color scheme of up to three earth tone colors shall be used. Individual channel letters with neon shall be prohibited. Please take these traffic safety concerns into consideration.

Mr. Levesque said these type of signage typically do not cause distractions and the possibility that someone would take an illegal traffic action should not be the basis of not approving this. He said Taco Bell signage are distractions as well. He doesn't feel there has been an increase in car accidents there and to make this one sign a distraction with everything going on in that area is not fair. The sign can be dimmed.

Mr. Ewing asked about the 16 inch displayable area and 4 lines? Is that too cluttered? Mr. Levesque stated they cannot fit 4 lines on this particular sign. 6 inch letters will be used.

Conditions would reflect the design guidelines and the BD would follow that per Chairman French.

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

Undesirable change character of neighborhood: No

Benefits sought by applicants are pursued other than area variance: No. If we do not allow businesses to go into the digital age they will use other means that would be obnoxious.

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Substantial: No size is the same
Adverse effect on physical and environmental conditions: No
Self created: Yes however does not preclude

Conditions: no more than 6 changes per hour. Color schemes must meet Rt. 4 design guidelines as approved by town board. Conditions of section 197.36 must be met. Lit 1 hour before opening and off one hour after close.

All SEQRA questions were asked and answered by the board.

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

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

Old Business:

Application 19-22, for the special permit request of Michael Lambert, 109 Teliska Avenue, Rensselaer, NY 12144, for the purpose of obtaining fill in excess of 150 cubic yards, at the property located at 109 Teliska Avenue, Rensselaer, NY 12144, in an R1 district, having parcel ID#: 134.18-1-5.

Old business heard first.

Eric Westfall sent an email to Chairman French stating the conditions he would like to see when the board approves the above application. They are as follows:

Copy of the permit to operate for his new septic system from the Health Department needs to be submitted to the BD.

No additional site work may occur until a new drainage basin is installed toward the rear of the property on Haywood (final details and schedule being worked out with the developer.

No additional work without a grading plan approved by the BD.

No additional work without a grading permit issued by the BD.

He spoke to his insurance company and a neighbor stated it is flooding their property and that his septic sunk down the hill which Mr. Lambert stated is not true. He received a stop order for the property as well. He put in a new septic system because of what the neighbor stated. An engineer assessed the water problem and it is coming from Teliska and running in the property behind him. There is a catch basin that is supposed to be installed by the contractor on Haywood to assist with the water problem. He said the neighbor put drainage on his property

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causing water to run onto his property and he discovered her fence is on his property as well. His septic is complete and he is awaiting a completion form from the Health Department. Mr. Lambert also provided a drawing for the board dated September 21st. Chairman French stated the drawing he provided does not show any fence on his property from the neighbor. However Chairman French stated this is an approved plan. Mr. Lambert is stating he is waiting for catch basin to be installed. Chairman French read correspondence from Melissa Alexi Bennerman. Stated they have retained an attorney to protect their property. There is water on their property due to Mr. Lambert's property. They stated fill was coming onto the land as of today as well. Chairman French stated that was from the health department for the septic work and leach field which overrides a stop work order. Chairman French also read the email from Mr. Westfall with the above conditions.

Public Hearing opened:

No one wishing to speak.

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

The Bennermans requested this not be approved and postponed until they have an opportunity to attend. It was noted that they have had two opportunities to attend and have not.

Because the town engineer stated the conditions for the property the board feels comfortable approving with Mr. Westfall's conditions and comments.

County: local consideration shall prevail.

Single family home Type II SEQRA

Undesirable change character of neighborhood: No provided drainage issues are mitigated at construction.

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

Substantial: No

Adverse effect on physical and environmental conditions: No provided drainage conditions are mitigated.

Self created: Yes however does not preclude

All questions were asked, reviewed and answered by the board.

Type II SEQRA. Chairman French stated Mr. Lambert cannot do anything until the developer installs a catch basin.

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Motion made to approve with above conditions by Ms. Germinerio and seconded by Mr. Ewing. Roll call vote: Dalmata, Crusetti, French, Germinerio, Ewing

Application 19-35, for the area variance request of Brian Bonesteel, 383 Whiteview Road, Wynantskill, NY 12198, for relief from minimum lot size requirements of 20,000 sf. for the purpose of allowing a lot size of 15,002 sf., for proposed lot A, having an existing single family residence, at the property located at 383 Whiteview Road, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 124.9-13-10.

Application 19-36, for the area variance request of Brian Bonesteel, 383 Whiteview Road, Wynantskill, NY 12198, for relief from minimum lot size requirements of 20,000 sf., relief from width at setback requirements of 110 ft. and relief from side setbacks of 20 ft., for the purpose of allowing a lot size of 16,454 sf., a width at setback of 80 ft. and side setbacks of 15 ft., for proposed lot B, at the property located at 383 Whiteview Road, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 124.9-13-10.

These were read together and will be discussed together.

Lawrence Howard representing Mr. Bonesteel. He provided a letter that he wrote to the board. His intent is to divide his lot in half and remain in his home until a smaller home is built for him to move into. He will then sell his current home. Mr. Lawrence said unless the detriment exceeds the benefit this should be approved. These two lots are the same size as other lots in the neighborhood. Mr. Lawrence feels there is no adverse environmental conditions caused by this and the applicant would like to stay in the neighborhood. The lots will be serviced by sewer and water.

Chairman French read Mr. Lawrence's letter into the record. Dated October 28th.

Public Hearing opened:

Mary Ellen Hunt: asked about information regarding Powell Street. French read the lot sizes that surround Mr. Bonesteel showing most of the lot sizes are smaller than what Mr. Bonesteel is proposing.

Chairman French stated this board can put restrictions on where a driveway could go. She said Mr. Bonesteel has yet to speak to her about what he would like to do. She is right next door to him. She said the two driveways on the site connect currently. Chairman French stated the board can consider the connection be broken if approved.

Charley Hug, 40 Powell Street: He does not feel any of the conditions have been met meaning what will the home look like, how big etc. He said that property (a section of it) was deemed

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unbuildable before. Chairman French asked if there was a map showing that and no one has it. Chairman French stated it doesn't show on the map he has. Mr. Hug said please look long and hard at this request. Chairman French asked what concerns he has. Mr. Hug stated there is hearsay stating Mr. Bonesteel said he wants to move to Arizona so this is a way to sell two properties to have money to leave after this is done and go to Arizona and not stay in the house. He also stated that the lot was filled and there is a dip.

Andrew Mair, DeFrestville: If this is granted a conforming lot will turn into two non-conforming lot.

Peg Dessinger, 42 Powell Street: She said there is quit a drainage problem. Her concern is that if they build a house behind her will she have more or less drainage problems?

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

Mr. Lawrence provided a sample for the proposed home. If there is a state right of way then Mr. Bonesteel will not be able to build and they are aware of that. Mr. Lawrence stated the existing driveway will be used for the new home. Chairman French is concerned about drainage behind this property.

Conditions:

No additional fill so the home is not above the elevation of Twist Avenue will be a condition per Chairman French. Access to 383 Powell be eliminated (lot B) existing driveway be to Lot A is to be discontinued. BD approve a grading plan and mitigate drainage issues on the property. Minimize fill bought in.

Single family home Type II SEQRA

County: Local consideration shall prevail.

Undesirable change character of neighborhood: No. Every house is about that same size or larger. This is the only 30,000 sq foot lot in the neighborhood.

Benefits sought by applicants are pursued other than area variance: No this is the lonely way to split the lots

Substantial: No less than 50%

Adverse effect on physical and environmental conditions: No as long as no drainage issues occur with this. Addressed with one of the conditions.

Self created: Yes however does not preclude

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We are making two non-conforming lots that conform to everything in the neighborhood.

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

Motion made to approve October 2019 meeting Minutes by Ms. Germinerio and seconded by Mr. Ewing. Dalmata and Crusetti abstained as they were not present last month.

Motion made to adjourn at 8:23pm by Ms. Germinerio and seconded by Mr. Crusetti.