

**ZONING BOARD OF APPEALS
Town of North Greenbush
2 Douglas Street
Wynantskill, NY 12198
Meeting Minutes
March 10, 2021**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of North Greenbush will hold public hearings on Wednesday, March 10, 2021 for the following applications at the Town Offices, 2 Douglas Street, Wynantskill, NY, beginning at 6:30 P.M.

IN ACCORDANCE WITH EXECUTIVE ORDER 202.1

NOTICE IS HEREBY GIVEN that public hearings will be held before the Zoning Board of the Town of North Greenbush with respect to the following matter at the time and place set forth below:

**Time & Place: March 10, 2021 beginning at 6:30 pm
VIA LIVE STREAM**

www.townofng.com (Click on the top banner that says: Watch Town Meetings, then click on the Zoning Board Meeting link)

Due to the current COVID-19 pandemic and Gov. Cuomo's executive order 202.1, at this time, the public is not able to participate in person during the hearing. All application materials are available for review on the Town's website. If you would like to make a comment on the applications, all comments must be submitted via e-mail to: building@townofng.com or by phone 518-283-2714. In the event that the Governor's guidelines allow for participation in person, it will be noted on the Town's website. However, the Town will still continue with the live streaming of the Zoning Board public hearings and accept comments by email or phone.

Due to on-going social distancing requirements and to maintain the opportunity for the public to participate, the Town of North Greenbush will hold public hearings via teleconference and videoconference on Wednesday, March 10, 2021 beginning at 6:30 pm. The following applications will be heard:

Attendance: John Dalmata, Richard French (Chairman), Leanne Hanlon (Secretary), Michael Miner (Building Department), Robert Ewing, Tony Crucetti, 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 21-06, for the special permit request of Saulia Jesenia Cruz, 8 Douglas Avenue, Rensselaer, NY 12144, for the purpose of having chickens, at the property located at 8 Douglas Avenue, Rensselaer, NY 12144, in an R1 district, having parcel ID#: 134.17-3-12.

Ms. Cruz stated she is from NYC and now that she lives here she is excited to be able to raise chickens for eggs. They will use the waste for the garden. She also stated the coop will be in the back yard.

Mr. Ewing asked the applicant if the fence extends around the back and it does. He also asked where the coop would be and it will be toward the back of the yard. Chairman French stated it needed to be 10 feet from the property line and they will comply.

Conditions: No rooster, compost into garden, metal feed container, no free range, coop covered on sides and top, limit to 6 chickens.

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Public Hearing opened:

No written comments received prior to meeting.

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

Single family home, no business.

Type II SEQRA

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

Application 21-07, for the special permit request of Vincent Guntlow, 58 Indian Pipe Drive, Wynantskill, NY 12198, for the purpose of allowing approximately 500 cubic yards of clean fill to be placed at the property located at 58 Indian Pipe Drive, Wynantskill, NY 12198, in an AR district, having parcel ID#: 134.2-1-51.

Mr. Guntlow said the work was started in 2008 and not completed so he needs to raise the grade on three sides to where it should be. He also wants to prepare for a lawn on the property. Chairman French, when looked at the property, saw drain pipes all over and Mr. Guntlow said that was there when he purchased the property. He said he will not be using it. Drainage will flow to the pond in the rear. Mr. Guntlow said there is 200 feet of vegetation before the pond.

County: No impact on county plans, ensure drainage will not affect other areas per Mr. Miner.

Public Hearing opened:

No one wishing to speak.

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

Type II SEQRA

Motion made to approve by Mr. Crucetti and seconded by Mr. Dalmata.

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

Application 21-08, for the area variance request of Scott Sawyer, 459 NY Highway 351, Poestenkill, NY 12140, for relief from restrictions prohibiting an accessory building in a front yard, for the purpose of allowing a 21 x 50 sf. accessory building in the front yard 10ft. from the side property line, at the property located at 360 Peck Road, Wynantskill, NY 12198, in a R1 district, having parcel ID#: 135.10-4-3.

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Mr. Sawyer spoke about his application. This is a multi family property with a store front. He would like to put a three car garage there to alleviate the accumulation of the tenants property. There are 3 tenants. He wants to clean up the area and needs somewhere to put their property. The garage will be installed and it is more of a large shed per Mr. Sawyer and is a kit for a three car garage.

Mr. Crucetti asked to clarify that there are 3 tenants and a storefront. And if the tenants are storing their property how will they keep track of what they put in there? Mr. Sawyer said the tenants will be charged additional for the use of this. He said it will be a trust issue. He will not be dividing the garage for the tenants. He did say every year he is making the property nicer. The company does the siding and Mr. Miner has a picture of the structure. It is metal steel framing and metal siding. Mr. Ewing asked about an existing driveway and the applicant will put crusher run off the existing driveway per Mr. Sawyer.

Per Mr. Miner: County stated local consideration shall prevail.

Public Hearing opened:

Chairman French read a comment from Andrew Mair for the record. It was determined there is sewer and water on site now and there will be now or plumbing (sewer and water) with this.

Condition: No plumbing sewer or water to the garage. Fix roof drainage with a gutter system and divert.

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

All SEQRA questions were asked and answered from the board.

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

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

Undesirable change: No

Benefits sought by applicant: No

Substantial: No

Adverse affect: No

Self created: Yes but does not preclude

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

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

Application 21-09, for the area variance request of 128/130 Main Ave, LLC, P.O. Box 370707, Brooklyn, NY 11237, for relief from the number of parking spaces required (69 spaces), relief from front setback requirements of 25 ft., for the purpose of allowing a modification to the existing site plan with a proposed 35 spaces and a front setback of 13.9 ft. AND for approval of an LED sign with relief from front setback requirements for a free standing sign of 15 ft., for the purpose of allowing a freestanding sign 3 ft. from the front property line, at the property located at 115 Main Avenue, Wynantskill, NY 12198, in a Hamlet (H) district, having parcel ID#: 124.5-3-20.

Mr. Dingley spoke about the application. He noted that the Brunswick and Waterford stores match the overall layout of this new store. He noted the other stores parking requirement that was approved for them. He said the other two stores did their own traffic customer flow and they came up with 18 and 16 vehicles at any given time during peak hours. He said the site now has 35 but they need to remove the 4 in front currently. Mr. Dingley feels the national average is 18 and they would like 31 spaces.

Mr. Crucetti discussed what he heard at the PB meeting. He noted the number of spaces that are being taken away. Mr. Dingley explained a preliminary meeting he had with the BD. He said they will recess the dumpster into the hill for additional space. Employees will park in front of the dumpster. Snow storage that is shown on site plan if they get a tremendous storm.

He is not losing parking for snow storage per Mr. Dingley. Mr. Miner stated that Mr. Westfall discussed with Mr. Dingley that if there were a large snow storm the spaces in front of the dumpster will need to be utilized.

Chairman French suggested that the parking spaces on the side have been there for 40 years by Atlantic Avenue.

Mr. Miner noted that the side of the building along the Legion will have an overhead door for customer loading and unloading to alleviate customers from trying to load in other areas around the building.

Chairman French looked at the other hardware store in town and feels this site will have a comparable number of spaces.

Handicap parking will be located in the rear of the building per Mr. Dingley.

Mr. Dingley is asking for approval for 31 in the event of removing 4 spaces on the side ahead of time.

Mr. Dingley spoke about the front setback. They are proposing an 8 foot canopy in the front. They are looking for 11.1 foot setback variance. He also discussed the existing water line that is there and they will be coming within 4 feet of it with the canopy footings. He also said they will follow the design guidelines as well. They want to also eliminate the curb cut in the center.

Signage: front sign is on the site drawing per Mr. Dingley. They are asking for a digital (LED) sign but do not have the specs at this time. He also does not have a size for this sign at this time.

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Chairman French stated that with the information in front of the board they can only consider the placement of the sign at this time.

Public Hearing Opened:

Chairman French read comments he has received from the public for the record.

-Andrew Mair – parking concerns – too few requested

-Mr. Brooks?? – parking concerns, Atlantic avenue, people parking across the street increasing pedestrian traffic, loading and unloading of tractors to the stores. Who will monitor these restrictions? Signage a concern. Canopy on the front of the building.

Chairman French read all comments received regarding this application.

Mr. Dalmata has concerns of the overall traffic flow. He feels there will be a lot of traffic with the hardware store. He said the parking is tight and the traffic flow is tight and he has concerns. He is confused as to why the plan for this across the street changed and does not feel the bowling alley is conducive for this. All other board members agreed with Mr. Dalmata.

Mr. Dingley stated there is no evidence of any other issues with what is there now. He said people drinking at the bowling alley and driving away is a lot more hazardous than a hardware store where there is no alcohol. He also said the hardware store proposal across the street was two story and it was realized that would not work. He feels he will be making this site less hazardous than it is now. He also doesn't feel anyone should restrict Artie from selling his business. And the bowling alley does not have sufficient parking now anyway. Mr. Dalmata said it's the volume of vehicles coming in and out. He is not concerned with the number of parking spaces. He has seen many accidents on Main Avenue now with the traffic.

Chairman French intervened and stated that the PB will look at this site plan and will look at all of this, and we need to stick to what this board can look at.

Mr. Dingley understands the concerns. He will work with the board for the best solution possible regarding the canopy and the water lines under there. Mr. Crucetti has concerns about the front of the building and the canopy. He said there is only 8-9 feet between the canopy and the sidewalk and become a safety issues for anyone loading their vehicles so close to Main Avenue and he does not feel there is enough space. Mr. Miner explained customers will be loading on the side and back of the building. Mr. Crucetti stated customers will be purchasing items that are located under the canopy in the front of the building. He said the space is too short in the front of the store and feels it is a hazard.

Chairman French read another comment received from Mr. Joseph Gross.

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Chairman French stated we need to be discussing zoning issues not planning board issues. Also he determined the greenspace in the front of the building as well as a buffer.

Led sign: we don't have enough information per Chairman French except a proposed location. The board feels the signage needs to be tabled until we have more information. Chairman French stated we are being asked to look at the location at this time.

Chairman French said the board needs to look at the location of the sign, the canopy set back and the parking spaces and they are the three issues before us this evening. John Dalmata feels that not enough parking spaces will cause a problem. Chairman French said then what do we do if another applicant comes before the board with something different, then what do we do?

Mr. Dingley said the traffic count for Brunswick and the Wynantskill store will not see anything close to that. Mr. Dingley stated the stores are familiar with traffic and customer flow and feels the parking is overly adequate.

Chairman French is asking the applicant to come before the board again with a traffic study and anticipated traffic levels in writing. Mr. Dingley is stating he has already provided this in his ZB application. Mr. Dingley will look at his POS from the other stores. And will gather the information requested.

Chairman French read another comment from Mr. Gross for the record.

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

Motion made to table the application to allow applicant time to gather the requested information by Mr. Dalmata and seconded by Mr. Ewing. All in favor.

Application 21-10, for the area variance request of Alexis Diner (Nex Lekkas), 294 North Greenbush Road, Troy, NY 12180, for relief from side setback requirements of 20 ft., for the purpose of constructing a wood framed structure over the existing slab with a left side setback of 5.5 ft., at the property located at 294 North Greenbush Road, Troy, NY 12180, in a BN district, having parcel ID#: 123.17-15-7.

Mr. Pakatar spoke about the application. Mr. Lekkas would like to use the existing concrete Patio and cover it for better coverage for outdoor dining. It will have footings and a roof but will not actually be connected to the building. He also said it will not really be noticed from the road. They need to extend 5 – 6 inches out to install the footings so they won't have to cut any concrete for safety.

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Public Hearing Opened:

Chairman French read one comment he received for the record. Catherine Dell has an office next door. She said she can hear patrons inside her building. The noise that goes up now would be worse if this is covered per Chairman French. Mr. Pakatar stated they will not be increasing patrons to that patio. And the patio was previously approved. He also said there is a screen or cedar trees and evergreens. Chairman French suggested installing glass panels on the neighbor side?

Alex Lekkas spoke about this. He said he would eventually put panels to extend the usage of the patio into the colder months. Chairman French asked if he would do it now would it be a problem and he said no. He will sit down with his construction person to form a plan to see if it would work. This would help the neighbor would have less noise. Mr. Lekkas stated he feels he will be creating a hot box in the summer with a noise wall. Some board members agree.

Chairman French read another comment received.

Mr. Ewing stated we are creating the problem by allowing the applicant to put the roof on so we are trying to alleviate any problems causes by this.

Public Hearing opened:

Catherine Dells comments were read.

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

Motion made to table application to allow applicant to look at options and speak to neighbor by Mr. Crucetti and seconded by Mr. Dalmata. All in favor.

Motion made to approve February 2021 meeting minutes Ms. Germinerio and seconded by Mr. Ewing. Mr. Dalmata abstaining as he was not present at the February meeting.

Motion made to move ZB April meeting to April 7th due to conflicts by Ms. Germinerio and seconded by Mr. Crucetti.

Motion made to adjourn at 9:35pm by Mr. Crucetti and seconded by Ms. Germinerio. All in favor.

If you need additional information or have questions about the process, please contact us at: 518-283-2714 or building@townofng.com .