

ZONING BOARD OF APPEALS
Town of North Greenbush
2 Douglas Street
Wynantskill, NY 12198
Meeting Minutes
April 7, 2021

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of North Greenbush will hold public hearings on Wednesday, April 7, 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: April 7, 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, April 7, 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.

Motion made to approve the document containing the process for residents requesting chickens that Chairman French prepared and sent to Board members by Ms. Germinerio and seconded by Mr. Ewing. All in favor.

Old Business:

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. (Tabled from March meeting but Public Hearing closed)

This was heard and reviewed last.

Mr. Dingley spoke about the application which has been before the board previously.

Nick Costa (Advanced Engineering) and Andrew Gilchrest were also present.

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Mr. Dingley stated they worked on the considerations from last month. He feels the parking requirements requested are reasonable. Mr. Gilcrist spoke and Mr. Costa will present. They looked at other neighborhood hardware stores and presented their findings regarding traffic, parking, etc. He also looked at the hamlet zoning and various uses that could be on this site. All of the allowed uses would also require variances. He feels a neighborhood hardware store will fare well there with parking and use. The rest of the allowed uses would not have sufficient parking.

Chairman French appreciates the thoroughness of the document he presented to the board. He also said this documented and establishes what we needed and we now have a physical comparison. We can now compare similar things. Chairman French was also surprised about the comparable parking spaces with the other stores and noted that this store will actually have more than most of the others. The last page of Mr. Costa's report noted that if there are not enough spaces for this use there will not be enough parking spaces for any other use.

Per Chairman French a comment was dropped off after Public Hearing was closed by someone and read "Not Happy About It" and not signed so Chairman French stated he is not comfortable reading that into the record. Chairman French said there are some things brought up that are PB issues that they will resolve. Traffic on Main Avenue is a PB issue and definitely not this board's business.

There was also a traffic study for the Brunswick Store and the Halfmoon Store. Mr. Crucetti stated those studies were done during an extremely slower time of the season (first week in February). Chairman French stated he is correct however, the spaces are sufficient. Mr. Costa and Mr. Dingley discussed footage from property line and from Atlantic Avenue. The requirement would be the same for both Main Avenue and Atlantic Avenue as far as he location of the sign. The highway superintendent and the town engineer need to be ok with this and approve it. Mr. Dalmata does not want the sign to be a hazard for people pulling out of Atlantic Avenue. As long it is within the 50%.

Undesirable change: No

Benefits sought by applicant: No- Chairman stated that the reuse of an existing building instead of having it lie vacant is a plus for the town.

Substantial: No –front setback meets design guidelines

Adverse affect: No

Self created: Yes but does not preclude

Unlisted SEQRA Action.

All questions was asked and answered by all board members.

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

Conditions: Final sign location be determined with final site meeting with BD, town engineer and Highway Superintendent and applicant. LED sign change no more than one per hour. Canopy needs to have a frost wall and PB will also make that a condition per Mr. Miner.

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

Roll call vote: French, Germinerio, Ewing, Dalmata all in favor. Crucetti voted no.

New Business:

Application 21-11, for the special permit request of Timothy Ruffinen, 42 Baker Ave, Wynantskill, NY 12198, for the purpose of having chickens, at the property located at 42 Baker Avenue, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 124.-2-27.2.

Mr. Ruffinen explained his application. He lives on a dead end street and is by the National Grid power lines. The chickens will be in the back yard in the far left corner next to his daughter's property. All hens. Coop will be totally enclosed with fence surrounding it.

Public Hearing Opened:

No written correspondence received. No one commented.

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

County per Mr. Miner: Local consideration shall prevail and waste must be in impervious container.

Type 2 SEQRA

Motion made to approve with below conditions by Ms. Germinerio and seconded by Mr. Crucetti.

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

- 1) No roosters are allowed.
- 2) No more than six (6) chicks or hens.
- 3) Feeds must be stored in a metal, or other impervious container, with an appropriate lid, to prevent the attraction of rodents.

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- 4) There must be a written plan, available for the Building Department to review for compliance, that explains how waste materials, including bedding and manure, will be disposed of. This plan cannot be to have it collected as household trash or garbage.
- 5) No “free ranging” of chickens, where chickens are allowed to range outside of the coop or pen.
- 6) The pen must be enclosed on all sides, including the top and dug into the ground, to prevent the attraction of predatory birds or rodents.
- 7) The pen and coop must be in a rear yard and must be no less than fifteen (15) feet from any adjacent property line.

Application 21-12, for the special permit request of Jenaleigh Schroeder, 42 Franklin Ave, Wynantskill, NY 12198, for the purpose of having chickens, at the property located at 42 Franklin Ave, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 135.9-4-12.

She explained her application. She would like 6 hens and has over an acre lot. They will be located on the other side of the garage. The coop and run will be covered. She researched waste and will purchase biodegradable bags and dispose waste in that manner. Two front yards, one on Franklin and one on Oberlook. The coop would not be further than the front of the garage.

Public Hearing Opened:

No written correspondence received. No one spoke.

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

County per Mr. Miner: Local consideration shall prevail and waste must be in impervious container.

Type 2 SEQRA

She will not be disposing the waste in the garbage and will now do compost.

Motion made to approve with below conditions by Ms. Germinerio and seconded by Mr. Crucetti.

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

- 1) No roosters are allowed.
- 2) No more than six (6) chicks or hens.

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- 3) Feeds must be stored in a metal, or other impervious container, with an appropriate lid, to prevent the attraction of rodents.
- 4) There must be a written plan, available for the Building Department to review for compliance, that explains how waste materials, including bedding and manure, will be disposed of. This plan cannot be to have it collected as household trash or garbage.
- 5) No “free ranging” of chickens, where chickens are allowed to range outside of the coop or pen.
- 6) The pen must be enclosed on all sides, including the top and dug into the ground, to prevent the attraction of predatory birds or rodents.
- 7) The pen and coop must be in a rear yard and must be no less than fifteen (15) feet from any adjacent property line.

Application 21-13, for the special permit request of Suzanne O’Connor, 22 Simmons Road, Wynantskill, NY 12198, for the purpose of having chickens, at the property located at 22 Simmons Road, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 124.13-1-1.

Ms. O’Connor explained her application. 6 hens, coop and run will be in the center of her back yard. There is a lot between neighbors and her yard is fenced in. The coop and run will be totally enclosed.

Public Hearing opened:

No written correspondence received. No one wishing to speak.

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

County per Mr. Miner: Local consideration shall prevail and waste must be in impervious container.

Type 2 SEQRA

Motion made to approve with below conditions by Ms. Germinerio and seconded by Mr. Crucetti.

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

- 1) No roosters are allowed.
- 2) No more than six (6) chicks or hens.
- 3) Feeds must be stored in a metal, or other impervious container, with an appropriate lid, to prevent the attraction of rodents.

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- 4) There must be a written plan, available for the Building Department to review for compliance, that explains how waste materials, including bedding and manure, will be disposed of. This plan cannot be to have it collected as household trash or garbage.
- 5) No “free ranging” of chickens, where chickens are allowed to range outside of the coop or pen.
- 6) The pen must be enclosed on all sides, including the top and dug into the ground, to prevent the attraction of predatory birds or rodents.
- 7) The pen and coop must be in a rear yard and must be no less than fifteen (15) feet from any adjacent property line.

Application 21-14, for the special permit request of Justin & Colleen Wise, 15 Miller Road, Rensselaer, NY 12144, for the purpose of having chickens, at the property located at 15 Miller Road, Rensselaer, NY 12144, in an R1 district, having parcel ID#: 145.9-1-18.

Mr. & Mrs. Wise explained their application. They provided a layout. 6 hens for the purpose of eggs. Coop will be in the center of the yard in the rear and totally covered.

Public Hearing Opened:

No written correspondence received. No one spoke.

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

County per Mr. Miner: Local consideration shall prevail and waste must be in impervious container.

Type 2 SEQRA

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

- 1) No roosters are allowed.
- 2) No more than six (6) chicks or hens.
- 3) Feeds must be stored in a metal, or other impervious container, with an appropriate lid, to prevent the attraction of rodents.
- 4) There must be a written plan, available for the Building Department to review for compliance, that explains how waste materials, including bedding and manure, will be disposed of. This plan cannot be to have it collected as household trash or garbage.
- 5) No “free ranging” of chickens, where chickens are allowed to range outside of the coop or pen.

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- 6) The pen must be enclosed on all sides, including the top and dug into the ground, to prevent the attraction of predatory birds or rodents.
- 7) The pen and coop must be in a rear yard and must be no less than fifteen (15) feet from any adjacent property line.

Application 21-15, for the area variance of Lawrence Dickinson, 403 West Sand Lake Road, Wynantskill, NY 12198, for relief from pool setback requirements of 20 ft. for the purpose of allowing a swimming pool 10 ft. from the side property line, at the property located at 30 West Sand Lake Road, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 124.9-10-5.

Ms. Shannon Dickinson spoke about the application and explained why and where they would like to place a swimming pool. Larry Dickinson owns the property and she rents the property. Listen to recording.

Public Hearing opened:

No correspondence or anyone wishing to speak.

Motion made to close public hearing by Crucetti and Dalmata

County: Local consideration shall prevail

Condition: no flushing toward the neighbor property.

Type 2 SEQRA

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

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

Application 21-16, for the area variance request of Charles Emery, 4090 NY Rt. 43, Wynantskill, NY 12198 for relief from restrictions prohibiting an accessory building in a front yard, for the purpose of allowing a 12 X 24 shed in the front yard of the property, at the property located at 4090 NY Rt.43, Wynantskill, NY 12198, in an AR district, having parcel ID#: 146.-2-6.

Mr. Emery explained his application. The front yard is the only place he can put a shed. He has a big back yard but is on a hill. He needs to store some yard equipment. He provided a drawing where he wild like the shed. This is a pie shaped lot.

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Public Hearing Opened:

Chairman French read a public comment that was received in writing from Andrew Mair. The building would be over 30 feet from the side property lines per Mr. Emery. He has a little under an acre of property.

No other comments received.

County: Local consideration shall prevail per Chairman French.

Motion made to close Public Hearing by Mr. Ewing and seconded by Ms. Germinerio.

Undesirable change: No

Benefits sought by applicant: No

Substantial: No

Adverse affect: No

Self created: Yes but does not preclude

Conditions: match color of existing siding, no plumbing.

Type 2 SEQRA

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

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

Application 21-17, for the area variance request of Feliks Zygawski, 33 Carrie Ct, Wynantskill, NY 12198, for relief from minimum lot size requirements, front setback requirements and side setback requirements, for the purpose of allowing a single family home to be building on a lot having 5,000 SF with a front setback of 25 feet and side setbacks of 10 ft., at the property located at 10 Burns Avenue, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 135.13-8-16.

Applicant is having technical difficulty. According to Chairman French a similar application was approved for this property back in 2005 with 7 conditions and the applicant never acted on it. Since then there have ben revisions with town code. Chairman French also stated we have denied applications with 5,000 sq. feet lots.

Unable to hear applicant via cell phone therefore Chairman French relayed to the board what he said. He would like to build a 1200 sg foot house with 10 feet setbacks. 50% variance on side and 10 of the 35 required on the front. 20,000 sq feet is required per Chairman French.

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No one can hear him with the exception of Chairman French. Mr. Crucetti asked how this house would look in conjunction with other homes there? Chairman French explained there are still parts of Snyder's Lake that have 5,000 sq feet.

Public Hearing opened:

Chairman French read two written comments he received for the record. Opposed to the application.

Chairman French asked what he has invested in that property and Mr. Zygawski stated "taxes". Mr. Miner found that his property tax bill is \$464.00 per year.

Mr. Crucetti stated this would set an unnecessary precedence.

The Chairman and Board agreed that he did not do anything when it was approved in 2005 and the board feels it seems to be a money maker.

Applicant stated there is no value to the property without a home on it.

No other comments received.

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

County: Per Mr. Miner local consideration shall prevail.

Undesirable change: Possibly

Benefits sought by applicant: No

Substantial: No

Adverse affect: Possibly

Self created: Yes and he did nothing with it when originally approved. It does preclude per board.

Type 2 SEQRA

Motion made to deny application based on findings by Ms. Germinerio and seconded by Mr. Dalmata.

Roll call vote for denial: French-no, Dalmata-no, Crucetti-no, Germinerio-no, Ewing-no.

All in favor of denial.

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

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the purpose of constructing a wood framed structure over the existing slab with a left side setback of 5.5 ft., AND for relief from maximum fence height restrictions of 6 ft. at the property located at 294 North Greenbush Road, Troy, NY 12180, in a BN district, having parcel ID#: 123.17-15-7. (Tabled from March meeting)

Mr. Pakatar spoke about the application that was before the board last month. Last month there were comments about noise issue from neighbor.

Mr. Rocco Fragomeni spoke about the application and in favor of this. He has been a long time customer. He said it is pleasant outside and would hate to see the greenery go away. He said Alex is willing to put up a fence. Mr. Fragomeni stated he has not had a noise complaint in ten years. The only time the patio is full is Saturday and Sunday mornings. He would like the board

to take into consideration to keep the greenery there. Alex explained the reason he asked Mr. Fragomeni to speak is because he was a past member of boards and a town resident for year. He also said he feels the noise is non existent and will do whatever he needs to do to address the concerns of the neighbor. He would like to install a fence to help with noise. If not a fence, he will add shrubbery is needed instead. Mr. Pakatar explained that they looked at the neighbor comments. He did see where the evergreens are there that have grown have space now and may cause a little noise issue. Board and pine fence is what they are recommend closer to the patio. 8 to 9 feet is what he is recommending to meet the eaves and will not be attached to the structure itself. They will also plant bamboo which is used a lot for sound barriers. It was also discussed that the drainage not go toward the neighbor. He read O'Dell comment and also mentioned what had occurred the day after last month's meeting and stated he is very disappointed.

Mr. Ewing spoke and wants to have a conversation about making this situation livable. Listen to recording.

Public Hearing Opened: He read Mrs. Dell's letter.

Chairman French stated the fence at least has to be started at the front of her building to the back of the patio.

John Dalmata asked Alex if he would consider a retractable awning and still put up a fence and bamboo as another way to consider this. Alex stated he did look at this and it is outrageously expensive and he is concerned with the wind. He also would not be able to have lighting and heaters with that type of awning.

Chairman French asked if Alex would consider to have the 8 foot fence installed the entire length of the adjoining property with bamboo as well. Also would he consider having no music out there? Alex stated he would.

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If we are talking about a temporary measure to get through COVID this would be a done deal however this is not per Alex.

No other comments.

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

Alex stated he would consider no music while the adjoining law office is opened. If the neighbor is working in the adjacent building and the music is on she can call and they will turn it off.

Conditions: would be no outdoor music or speaker use weekdays before 5pm per Chairman French. 8 foot fence and bamboo barrier from rear corner of patio to four feet to front corner needs to be the entire length of the next door property. The last 8 feet toward Rt. 4 needs to be 6 feet. Gutters have to be directed to the rear lot to the west.

Kathryn Dell texted the BD to say her emails are not going through the comment during the public hearing. She said she heard the conditions and is good with them and said that she does sometimes work past 5:00pm. Alex said if the music is on past 5pm and bothers her she can call the diner and they will immediately shut it off.

An 8 foot fence variance was added to this application.

Undesirable change: No with mitigations

Benefits sought by applicant: No

Substantial: No because patio is already there and no change in size.

Adverse affect: No

Self created: Yes but does not preclude

Unlisted Action: All questions were asked and answered by Board members.

County per Mr. Miner local considerations shall prevail.

Motion made for a neg dec by Mr. Crucetti and seconded by Mr. Ewing.

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

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

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

The conditions for chickens will slightly be edited and will be given to all chicken applicants and they have to sign that document prior to the meeting per Chairman French.

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Motion made to approve March 2021 meeting minutes by Crucetti and Germinerio.
All in favor. Chairman French abstained.

Motion made to adjourn at 9:40pm by Ms. Germinerio and seconded by Mr. Ewing.

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