

ZONING BOARD OF APPEALS
Town of North Greenbush
2 Douglas Street
Wynantskill, NY 12198
Meeting Minutes
September 9, 2020

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of North Greenbush will hold public hearings on Wednesday, September 9, 2020 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: September 9, 2020 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, September 9, 2020 beginning at 6:30 pm. The following applications will be heard:

Attendance:

Attendance: John Dalmata, Richard French (Chairman), Leanne Hanlon (Secretary), Michael Miner (Building Department), Robert Ewing, Tony Crucetti, Louise Germinerio-absent, 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 and what this board does.

New Business:

Application 20-18, for the area variance request of Andrew & Amy Pelletier, 26 Crimson Circle, Troy, NY 12180, for relief from restrictions prohibiting a fence height greater than 4 ft. in a front yard, for the purpose of allowing a 6 ft. fence in a front yard of a corner lot, at the property located at 26 Crimson Circle, Troy, NY 12180, in an R1 district, having parcel ID#: 123.15-1-21.

Mr. and Mrs. Pelletier explained their application. Mr. Pelletier wants to remove the aluminum fence and replace it and go further to the corner lot and make the existing one bigger and come out a little more (3-4 feet). They would like a 6 foot fence. A neighbor has the exact fence they want and they have told the HOA as well.

Mr. Pelletier spoke to a few neighbors. Some were concerned that the whole corner lot was going to be fenced in but he explained that was not the case and they were ok with his explanation.

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Mr. Miner explained there were a couple phone calls clarifying where the fence was going to be and when explained they were fine.

County: Local consideration shall prevail and put farther back from the intersection per Mr. Miner.

Public Hearing opened:

No one wishing to speak.

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

Undesirable change: No

Benefits sought by applicant: No, need to prevent children from leaving yard.

Substantial: No

Adverse affect: No

Self created: No

Condition: Maintain at least 35 feet setback from the property line on the non-driveway side.

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

Roll call vote: Dalmata, French, Crucetti, Ewing.

Application 20-19, for the area variance request of Candace Fiacco, 1722 4th Street, Rensselaer, NY 12144, for relief from minimum lot size requirements of 20,000 sf. and front setback requirements of 35 ft., for the purpose of constructing a single family home on a lot having 12,500 sf. with a 25 ft. front setback, at the property located at 27 Franklin Avenue, Wynantskill, NY 12198, in a R1 district, having parcel ID# 135.9-5-2.2.

Candace Fiacco and Daniel Fiacco (property owner) spoke about the application. Board is asking for the sketch of how the home will be on this lot. Mr. Fiacco purchased the lot in 2007 and got a variance but did not build then. 55 x 30 ranch home they would like to put on the land. Single family ranch with walkout basement and three car garage underneath (30x30).

Public Hearing opened:

No one wishing to speak in person.

One email public comment was received by Mr. Miner which was read by Chairman French. Katheryn Renzulo commented via email. She said it will be dangerous if the house is close to the road and if there are vehicles parked in the road. Ms. Fiacco stated there will be no street

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parking. She is also concerned about matured trees coming down. Ms. Fiacco stated she needs to clear the lot but is leaving a tree. Ms. Renzulo is concerned about a ravine being filled in on the property. Ms. Fiacco said she has not been able to walk the entire piece of land to see. She is also concerned about draining on the wells but Ms. Fiacco will have municipal water.

Motion made to close the public hearing by Mr. Dalmata and seconded by Mr. Crucetti.
County: Per Mr. Miner local consideration shall prevail.

Conditions: Have the town engineer look at the site drainage plan prior to a permit being issued.

Type II SEQRA

Undesirable change: No

Benefits sought by applicant: No it will be a small house

Substantial: No

Adverse affect: No with mitigation of water

Self created: No it already had a variance per Chairman French.

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

Application 20-20, for the special permit request of Peter Enzien, 4 The Crossways, Troy, NY 12180, for the placement of a LED sign, at the property located at 531 North Greenbush Road, Troy, NY 12180, in a C (commercial) district, having parcel ID#: 144.2-4-8.

Mr. Enzien explained the application. He would like to have an LED sign placed at the new car wash. Mr. Miner stated the parcel has two addresses – 529 and 531 North Greenbush Road.

Chairman French explained the special permit requirements.

Mr. Enzien explained the sign he would like and will be under 32 feet (30 square feet). He said the size will be under code and here will be brick under it. He will match it to the building with the same stone. He said it would go on and off whenever the board tells him. He plans to have this close at 8pm in summer and 7pm in winter. Board stated hour before opening it can be on and an hour after closing. It will also dim per Mr. Enzien.

Public Hearing opened:

No one wishing to speak in person.

One comment sent via email from Andy Mair: Concerned with motorist safety and it being distracting. Read by Chairman French.

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County per Mr. Miner: If sign is running message board control speed to not cause traffic issues then local considerations shall prevail.

Motion to close public hearing by Mr. Dalmata and seconded by Mr. Ewing.

Chairman French asked Mr. Enzien if he owned the beverage business on Second St. in Troy. He just sold that building but Chairman French saw something on that sign that he did not want that type for this.

He would like to change every 10 seconds and it will not flash.

Conditions: Changes no quicker than 10 second intervals. Hours for the signage on one hour before opening and off at 9:30pm and auto dimming at dusk.

Unlisted SEQRA action.

Short form was read and reviewed by the board with Chairman French.

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

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

Application 20-21, for the area variance of Michael Moscatiello, 99 North Greenbush Road, Troy, NY 12180, for relief from the minimum number of parking spaces required (38 spaces) for the purpose of allowing proposed development with 33 parking spaces AND for relief from restrictions allowing a limit of 2 business uses, for the purpose of allowing 3 retail stores in the proposed building to be located at 271 North Greenbush Road, Troy, NY 12180, in a BN district, having parcel ID#: 123-17-4-37.

Michael Moscatiello presented his application.

He said it is across the street from Alexis Diner. He went before the PB prior. It has not yet been approved by them though. He moved the building closer to Rt. 4 and further from the neighbor's back yard which caused him to loose space. He wants to have 3 business uses in the bldg. He does not know exactly right now and does not have any lined up to date. No food service tenants will be in there.

Mr. Dalmata suggested bringing the building closer and putting parking in the back. Mr. Moscatiello stated he didn't want all the vehicle lights pulling in the rear to shine on the neighbors back yards.

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Public Hearing Opened:

No one speaking in person.

All public comments received via email were read into the record and will be attached.

Mr. Miner also received 3 more written comments.

Andrew Mair – comments read (attached)

Krucznicki – comments read (attached)

Petition attached

Wilson, Birch Street and Sylvan Residents – comments read (attached)

Dunn – comments read (attached)

Marshall – comments read (attached)

Janet Forcenella – comments read (get from Miner to attached)

Joseph Forcenella – comments read (get from Miner to attached)

Andy Mair - comments read (get from Miner to attached)

Wes Marshall – email from Levebre to Marshall and copied Mr. Miner and Chairman French.

Wes Marshall – new comments read that were received during the application

Kruz – new comments read that were received during the application

Mr. Miner said some of these comments will be going before the planning board as well.

The board is having a hard time envisioning what it is going to look like. Mr. Moscatiello stated they have not completed a visual drawing for PB yet. Mr. Moscatiello stated this property was originally zoned residential but when the town board rezoned it to commercial in 2016. He noted that he did not ask for a rezone.

Mr. Miner said he and the Chairman's interpretations vary. They discussed "use" and "occupancy". Mr. Miner stated the code allows for 2 business and the applicant is asking for three.

Mr. Miner said Mr. Moscatiello's original application did not require any variances but as he went along and worked the project from public comment that did not want a restaurant which would have taken most of the space so he then modified the plan and this drove him to need a variance by pushing the bldg. forward and wanting now 3 businesses.

Chairman French stated there are still more important comments to come and said the allowed use is more invasive than the changed proposed use and this board has the opportunity to dictate what will go in this building.

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Chairman French wants a follow up by all the people who commented to comment relevant items again after this discussion.

Mr. Ewing stated the valued issues that were brought up and discussed are not for this board to deal with. He thanked Mr. Moscatiello for working with the board and listening to the neighbors.

Motion made to close public hearing but leave 10 days from tomorrow for additional public comments to share with Board and Moscatiello by Mr. Dalmata and seconded by Mr. Crucetti.

Motion made to approve August 12 and August 19 special meeting (8/19 is a follow up to approve the applications from the August 12 meeting) by Mr. Ewing and seconded by Mr. Dalmata.

Mr. Ewing abstained from Aug 19th approval.

Motion made to adjourn at 8:40pm by Mr. Crucetti and seconded by Mr. Dalmata.

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