

**ZONING BOARD OF APPEALS
Town of North Greenbush
2 Douglas Street
Wynantskill, NY 12198
Meeting Minutes
November 18, 2020**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of North Greenbush will hold public hearings on Wednesday, November 18, 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: November 18, 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, November 18, 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, Al Kolakowski (Legal Counsel).

Old Business:

Application 20-23, for the area variance request of Patrick Bergmann, Capital Region Hearing, 9 West Sand Lake Road, Wynantskill, NY 12198, for relief from setback requirements of 15 ft. for a freestanding business sign, for the purpose of allowing a sign at the property line, at the property located at 9 West Sand Lake Road, Wynantskill, NY 12198, in a H (Hamlet) district, having parcel ID#: 124.10-12-3.

Applicant asked to postpone until January 2021.

New Business:

Application 20-27, for the area variance request of Jessica & Robert DiFiore, 4010 NY Route 43, Wynantskill, NY 12198, for relief from rear setback requirements of 20 ft., for the purpose of allowing a swimming pool 10 ft. from the rear property line, at the property located at 4010 NY Route 43, Wynantskill, NY 12198, in an AR district, having parcel ID#: 146.-2-30.152.

**Zoning Board
Meeting Minutes
November 18, 2020
Page 2**

Ms. DiFiore spoke about her application. They would like to put in an in ground swimming pool. Because of the well they have to put the pool where it is noted on the map. It will be installed beyond the well. The board asked Ms. DiFiore questions regarding the exact placement of the pool which she explained.

Public Hearing opened:
No comment and no written comments

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

Undesirable change: No
Benefits sought by applicant: No
Substantial: No
Adverse affect: No, mitigated with flush not going in neighbor's property
Self created: Yes but does not preclude

Type II SEQRA
Condition: flush be directed not toward neighbors property.

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

Application 20-28, for the area variance request of Brian Keenan, 23 Ashcroft Street, Wynantskill, NY 12198, for relief from rear and side setback requirements of 20 ft., for the purpose of allowing a swimming pool 9 ft. from the rear property line and 7 ft. from the right side property line, at the property located at 23 Ashcroft Street, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 124.6-11-1.

Mr. Keenan spoke about his application. They would like to put in an in ground pool 17 x 33. Putting it where it is proposed is necessary because the other side is pine needles and too much shade per Mr. Keenan. He stated that the pool installation company recommended that location as well. He did speak with the neighbors as well and there is no issue per Mr. Keenan. He also noted that because of the stockade fence you cannot see through it and see the pool.

Mr. Miner stated local consideration shall prevail.

Public Hearing opened:
No comments or written.

**Zoning Board
Meeting Minutes
November 18, 2020
Page 3**

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

Undesirable change: No

Benefits sought by applicant: No

Substantial: No given the nature of the neighborhood

Adverse affect: No with mitigations in conditions and no flush to neighbor's property.

Self created: Yes but does not preclude

Type II SEQRA

Conditions: No flush onto neighbor's property,

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

Application 20-29, for the area variance request of James Manzer, 10 Baker Avenue, Wynantskill, NY 12198, for relief from height restrictions of 4 ft. for a fence in a front yard, for the purpose of allowing a 6 ft. fence in a front yard, at the property located at 10 Baker Avenue, Wynantskill, NY 12198, in a R1 district, having parcel ID#: 124.10-6-3.

Mr. Manzer stated they want to install the fence because there is a lot of traffic and wants the fence to make the yard safe for his children. Per Mr. Miner it does not come down Stephen Lane past the front of his house.

Per Mr. Miner county stated local consideration shall prevail but fence should not be closer to the road and cause site distance issues.

Public hearing opened:

No public comments or written.

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

Type II SEQRA

Undesirable change: No

Benefits sought by applicant: No

Substantial: No

Adverse affect: No

Self created: Yes but does not preclude

**Zoning Board
Meeting Minutes
November 18, 2020
Page 4**

Conditions: Not to go past the front house line on Baker Avenue.

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

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

Application 20-30, for the area variance request of Daniel O'Neill, 40 Geneva Blvd., Wynantskill, NY 12198, for relief from maximum footprint allowances for an accessory building of 1200 sf. for the purpose of allowing an 1800 sf. accessory building, at the property located at 40 Geneva Blvd., Wynantskill, NY 12198, in a R1 district, having parcel ID#: 134.6-9-14.

Mr. O'Neill spoke about his application. They want to build a garage on the side lot of the property and use it for storage and a gym and work from home there. No home business. Mr. Miner provided a plot plan to the board. There are woods behind him and to the right as well. Material will be concrete slab and steel building to be sided with vinyl siding to match current home per Mr. O'Neill. Mr. Miner asked how close to the property in the rear. He explained there is woods behind him. No higher than 16 feet per Miner. Per Mr. O'Neill no plumbing.

Public Hearing opened:

No comments written and verbal.

County per Mr. Miner: local consideration shall prevail.

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

Type II SEQRA

Undesirable change: No

Benefits sought by applicant: No

Substantial: No

Adverse affect: No

Self created: Yes but does not preclude

Conditions: siding to match exiting home, roof will match existing home, no plumbing-septic, no second story to be installed.

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

**Zoning Board
Meeting Minutes
November 18, 2020
Page 5**

Application 20-31, for the area variance of Tom Wheeler c/o AJ Signs, 842 Saratoga Road, Burnt Hills, NY 12027, for relief from restrictions limiting the allowable number of signs, for the purpose of allowing additional signage at the proposed WellNow Urgent Care, at the property located at 573 North Greenbush Road, Rensselaer, NY 12144, in a BG district, having parcel ID#: 144.-2-4-23.

Mr. Wheeler explained the sig. He stated it is a typical WellCare now sign with the St. Peters banner. It will not be brighter than a light. There is an awning over the sign as well and the board reviewed a drawing of the proposed signage. Mr. Miner asked him to plant some arborvitae to block the light to one of the neighbors and he agreed.

Public Hearing opened:

No comments verbal but 1 written comment by Andrew Mair which Chairman French read.

County: Per Mr. Miner local consideration shall prevail.

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

Undesirable change: No

Benefits sought by applicant: No

Substantial: No

Adverse affect: No

Self created: Yes but does not preclude

All SEQRA questions were asked and answered by Board members.

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

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

Mr. Miner will meet onsite to discuss plantings.

Conditions: plant arborvitae or evergreens to block and shield from neighbors on Thompson Court. Sign lighting limited to just hours of operation.

He will also be going before the PB.

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

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

**Zoning Board
Meeting Minutes
November 18, 2020
Page 6**

Application 20-32, for the area variance request of Tom Rento c/o Bloomingrove Drive, LLC, 2080 Western Avenue, Suite 115, Guilderland, NY 12084, for relief from restrictions limiting the maximum building footprint to 10,000 sf., for the purpose of allowing a 24,000 sf. building footprint, at the property located at 604 Bloomingrove Drive, Rensselaer, NY 12144, in a BG district, having parcel ID# 133.-2-15.12, 133.-2-16.1, 133.-2-16.2 & 133.-2-17.

Chairman French stated a request for an interpretation came from Andrew Mair today which was discussed. Is a 24,000 square foot store a shop and allowed in an BG district. Is it a shop or store? Does the grocery store constitute as a shop?

Mr. Miner's interpretation stated there is no definition of shop or store in their code. He read what the dictionary stated as shop or store. Our code is not specific enough per Mr. Miner.

After board discussion a motion was made to stating this is a shop by Mr. Dalmata and seconded by Mr. Ewing.

Mr. Tim Freytag and Mr. Rento spoke about the project. They will be going before the planning board as well. Mr. Freytag showed the board on a map of the project what the entire property consists of. He explained that NYS DOT is working on a project for the Rt. 4 corridor to begin in the Spring of 2021 and their access to the site will work with the DOT changes.

Mr. Freytag explained that there was a previously approved site plan and approved variances however that project will not be moving forward. This is a new project that includes 7 acres but only 3 will be developed. 24,000 square foot Aldi Market and a restaurant facility. Shared parking will take place on the site. They are proposing 220 parking spaces where 254 would be required. The parking is proposed in the middle of the site. He explained they will meet the landscaping criteria. Mr. Freytag explained the building architecture which he showed what the Aldi building would look like. Mr. Dalmata explained that he would like to see the loading docks placed as far away as possible from the residential area near this site.

Mr. Ewing discussed the possibility of the proposed restaurant placement and Chairman French stated there will be some changes. Mr. Freytag stated they do not have a restaurant tenant at this time. Also he stated this may have to be tweaked once they have a tenant.

Public Hearing opened:

No verbal. Chairman French read written comments before the board from Andrew Mair.

Motion made to adjourn, not close public hearing by Mr. Dalmata and seconded by Mr. Ewing. Chairman French stated the public has time to send comments at this time.

Uncoordinated SEQRA

**Zoning Board
Meeting Minutes
November 18, 2020
Page 7**

PB is lead agency per Chairman French and ZB will do SEQRA strictly on the variances.

Motion made to adjourn until next month by Ms. Germinerio and seconded by Mr. Dalmata. All in favor.

Application 20-33, for the area variance request of Tom Rento c/o Bloomingrove Drive, LLC, 2080 Western Avenue, Suite 115, Guilderland, NY 12084, for relief from buffer setback requirements of 50 ft., for the purpose of a 26 ft. buffer from the North Westerly boundary abutting a residential R4 district, at the property located at 604 Bloomingrove Drive, Rensselaer, NY 12144, in a BG district, having parcel ID# 133.-2-15.12, 133.-2-16.1, 133.-2-16.2 & 133.-2-17.

Heard above.

Minutes:

Motion made to approve October 2020 minutes by Mr. Dalmata and seconded by Mr. Crucetti.

Chairman French stated they received a inquisition (section 78) petition regarding a complaint on an application on Franklin Place where a new home was built. Chairman French discussed it with legal counsel (AI) and Fred Kirwin. Chairman French stated the Judge stated there was no merit to this. They had to add a litigation for the drainage as a condition which was already there and stated the board did a good job with that application and court agreed.

Motion made to adjourn at 8:45pm by Mr. Crusetti and seconded by Ms. Germinerio.

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