

ZONING BOARD OF APPEALS
Town of North Greenbush
2 Douglas Street, Wynantskill, NY 12198
Meeting Minutes
April 10, 2024

Attendance: Richard French (Chairman), Leanne Hanlon (Secretary), Eric Westfall (Building Department), Tony Crucetti, Louise Germinerio, Michael Masone, 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.

Old Business: None

New Business:

- **Application 24-07, for the area variance request of Tammy Deitz, 19 Douglas Street, Wynantskill, NY 12198, for relief from left side (20') and right side (20') minimum setback requirements for the purpose of installing an 18' diameter above ground swimming pool, at the property located at 19 Douglas Street, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 124.5-4-12.**

Ms. Deitz spoke about her application. She stated they would like to install an above ground pool for her son. Chairman French stated the back of her property is just on the hill. The back flush cannot flow onto neighbor's property. She stated the pump it is going to go on in the back flat area or on the side. Chairman French stated it cannot be flushed to the sides. The BD will view the site to make suggestions where the pump and water should go.

Public Hearing Opened:

No one wishing to speak.

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

No written correspondence per Mr. Cioffi and local consideration shall prevail.

Undesirable change: No mitigated by flush water

Benefits sought by applicant: No

Substantial: No there is no other way.

Adverse affect: No not with mitigations

Self created: Yes but does not preclude

Type II SEQRA

Conditions: pump and flush water directed to rea of property. Motion made to approve with above condition by Mr. Crucetti and seconded by Ms. Germinerio.

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

- **Application 24-08, for the area variance request of Kyle Mulligan, 29 David Avenue, Troy, NY 12180, for relief from left side (20') minimum setback requirement for the purpose of installing a 21' diameter above ground swimming pool in the front yard of a corner lot at the property located at 29 David Avenue, Troy, NY 12180, in an R1 district, having parcel ID#: 123.18-9-7.**

Mr. Mulligan explained his application. He positioned the pool in the only place feasible. He has a slope in the back and a rock in the front as well as septic and leach fields on the other side. Chairman French agreed his property is oddly laid out. Mr. Mulligan provided a detailed drawing for the board to review. Pump and drainage will go on the north side of the home. Mr. Crucetti asked about a fence and Mr. Mulligan stated that type of fence would work because they are required to have a folding ladder.

Public Hearing Opened:

Dave Hansen: Lives next door to them. He feels it close to his main living area and asked if the pool can be smaller or moved away from his property line. The proximity to his property is a concern.

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

Chairman French asked the applicant if he could move the pool toward Waldron Drive. Mrs. Mulligan said they cannot because of that rock on the front. Mrs. Mulligan stated there is also a privacy fence around that area that is Mr. Hansen's., their neighbor Mr. Mulligan stated there is no way to move the placement of that size pool. They have looked at every part of their yard to have it in a different location than the one they chose. No written correspondence per Mr. Cioffi and local consideration shall prevail.

Undesirable change: No mitigated by flush water

Benefits sought by applicant: No, rock in front.

Substantial: No there is no other way, they have tried to look at everything.

Adverse affect: No not with mitigation of water flowing toward Waldron.

Self created: Yes but does not preclude

Type II SEQRA

Conditions: Pump and Flush toward Waldron, 1 year expiration.

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Motion made to approve with above conditions by Mr. Crucetti and seconded by Mr. Masone. Roll Call Vote: Masone, Crucetti, French, Germinerio. All in favor.

- **Application 24-09, for the area variance request of Anthony Carelli, 35 Oberlook Avenue, Wynantskill, NY 12198, for relief from left side (20') and rear (20') minimum setback requirements for the purpose of installing an 18' diameter above ground swimming pool, at the property located at 35 Oberlook Avenue, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 135.10-11-1.**
Mr. Carelli spoke about his application. He stated they want to put in a pool. They are 5 feet from the left and 5 feet from the rear. He stated the pool people will make a suggestion for the pump and the drainage will be going up the right side.

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. No written correspondence and local consideration shall prevail per Mr. Cioffi.

Undesirable change: No mitigated by flush water
Benefits sought by applicant: No
Substantial: No
Adverse affect: No not with mitigations
Self created: Yes but does not preclude

Type II SEQRA-Conditions: Drain water to eft side of home in rear. 1 year expiration
Motion made to approve with above conditions by Mr. Crucetti and seconded by Mr. Masone.

Roll Call Vote: Masone, Crucetti, French, Germinerio. All in favor.

- **Application 24-10, for the area variance requests of Michael Groff, 2 Winners Circle, Albany, NY 12205, for relief from front yard (30') minimum setback requirement for the purpose of constructing 14 townhomes, at the properties located at 201, 202, 401, 402, 601, 602, 801 & 802 Kristina Loop, Troy, NY 12180 and 2201, 2202, 2401, 2402, 2601 & 2602 Brianna Boulevard, Troy, NY 12180, in a PDD district, having parcel ID#'s: 122.12-1-38, 122.12-1-37, 122.12-1-36, 122.12-1-35,**

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- **122.12-1-34, 122.12-1-33, 122.12-1-32, 122.12-1-31, 122.12-1-48, 122.12-1-47, 122.12-1-46, 122.12-1-45, 122.12-1-44 & 122.12-1-43.**

Mr. Groff - Creighton Manning, spoke about the application. Because there are steep slopes behind these lots so they want to move them forward. The homes will all be at the same front level. All the homes have grading issues in the rear. They are looking for relief of 30 to relief of 15 feet frottage. If they had to have the homes 30 feet back there would be walls needed to be installed and the rear yards would be horrible.

Mr. Crucetti asked that this was brought before the PB was the issue known? If it was it should have been addressed with the PB. Mr. Groff stated the builder brought the site already approved. Chairman French stated this was brought before the town board and PB and now this board has to decide for something different from what was approved twice. He has issue with this, and the phase three is going to have the same issue and has not started yet. Chairman said we and the BD an Town Engineer do not have an engineering report to prove this needs to occur. Mr. Groff stated that if they stay 30 feet back there will be no back yard and not pleasing to a buyer. This may have to go back before the town board per Chairman French.

Public Hearing Opened:

Bob Reedy, 1101 Giovanna Court, Meadows: He presented to board with photos of the back yard issues. The photos show the homes are moving, cracks in the foundations, earth cracking, Basement floors separating, cracks in first level walls. Now the homes are actually devaluing per Mr. Reedy. The builder is slow and only does band aid repairs. Russ Reeves did a study and noted all the issues and what has to be done to fix all these problems. Soil samples have finally been taken but they have received no results. The town BD has been waiting for a plan. The buildings are actually moving. Mr. Reedy stated they are losing value in their homes and would not be able to sell right now. He is asking that this not be approved until all the other issues are rectified correctly. This is a safety issue and they cannot safely use their decks at this point.

They just want these other properties repaired correctly and geminately before they move on to other properties being built.

Mr. Masone asked if we have the authority to approve this with the condition that these other properties be fixed correctly first. Mr. Kowalski stated this board does not have that authority.

Anthony Hickey, 1102 Giovanna Court: Adverse impact on the physical and environmental conditions questions, and he explained why. Building new properties when the current properties are unsafe and not being fixed cannot happen. They feel they have been ignored for two years why other properties are being built.

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Chairman French stated we cannot tie the new application tonight to the other properties and their problems. Mr. Hickey stated they support the new variances but want their properties fixed.

Mr. William Stewart, 1302 Brianna Blvd.: Supports what has been said. He commented on the specifics of this application. He read from the completed SEQRA form. There has been a significant amount of fill which is causing some of these issues. He feels the existing lots were not filled and compacted correctly.

Mark Bolk, 1301 Casale Court: He has a concern for his back yard and now it is dropping right off. He is on the ravine. It appears the entire site has problems.

Motion made to adjourn the Public Hearing by Mr. Crucetti and seconded by Mr. Masone.

Mr. Groff spoke again and stated they are working with the Army Corp about this site for wetland impacts. He is aware of what is going on with the neighbors existing property. They have a new geotechnical engineer on these site and come up with a mitigation plan. None of this has been communicated to the neighbors who are having issues with their property. Chairman French stated we have been asked tonight to consider an area variance on 14 new properties with engineering concerns with no engineering report. The entire concept is different from what was approved by PB and Town Board. The people with issues need to talk with the town board and not this board.

Mr. Reedy provided an email from April 9th that was read by Counsel and Chairman. County stated local consideration per Mr. Cioffi.

Motion made to table until other information can be gathered and engineers can review this and the other property issues and come back with information and possibly have the town board comment by Mr. Crucetti and seconded by Germinerio.

Motion made to approve March 2024 Minutes by Crucetti and Germinerio. All in favor.

Motion made to adjourn at 7:57pm by Crucetti and Germinerio.

All written public comments (mail, e-mail, faxes or hand delivered) are due to the Building Department by 4:00 pm on the business day preceding the meeting. If you need additional information or have questions about the process, please contact us at: 518-283-2714 or building@townofng.com . Please see the Zoning Board Page on the Town's website to view applications.