

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

Attendance: Richard French (Chairman), Leanne Hanlon (Secretary), Eric Westfall (Building Department), Tony Crucetti, Louise Germinerio, Michael Masone, Raymond Hoffman (New Board Member), 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 is charged to do.

Old Business: None

New Business:

- **Application 24-16, for the area variance request of Patrick M. O'Rourke, 2 Woodland Hill Road, Wynantskill, NY 12198, for relief from fence height restrictions on a corner lot, for the purpose of installing a 6 ft. high fence in the side yard, at the property located at 2 Woodland Hill Road, Wynantskill, NY 12198, in an R2 district, having parcel ID#: 123.12-8-1.1.**

No one present. Mr. Cioffi explained that he met with the contractor on June 11 and informed the board the fence is already installed. It is similar to the one already approved across the street. It appears it is not blocking any view.

Public Hearing Opened:

No one wishing to speak. No written correspondence.

Motion made to close Public Hearing by Masone and Crucetti.

Per Chairman an old fence and brush was cleared away.

County: Per Mr. Cioffi Local Consideration.

Undesirable change: No

Benefits sought by applicant: No

Substantial: No

Adverse affect: No

Self created: Yes but does not preclude

Type II SEQRA

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

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

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- **Application 24-17, for the area variance request of Natasha Raizada, 7 Van Leuvan Drive South, Rensselaer, NY 12144, for relief from fence height restrictions on a corner lot, for the purpose of installing a 6 ft. high fence in the front yard and an 8 ft. high fence in the side yard, at the property located at 7 Van Leuvan Drive South, Rensselaer, NY 12144, in an R1 district, having parcel ID#: 145.5-9-1.**

Ms. Raizada spoke about her application. She stated the town had to cut down all her 40 and 50 feet trees to install water lines. She has no privacy now and has a dog she needs to secure.

Chairman asked that we usually ask that the fence tapers down as it get closer to the front of the house. Chairman showed her on the map how to transition the fence down to 4 feet. She stated where it is tapered you can still see her yard and deck and it would still be open. She is looking for an 8 foot fence where the trees were removed. Mr. Cioffi met with Ms. Raizada and her contractor on June 6th. She has already ordered the fence in planning for the meeting in June that was cancelled.

One written comment was received and read into the record by Chairman.

Public Hearing Opened:

Geraldine Almonden, Van Leuven Drive: She is concerned about the line of view and Chairman showed her how the fence will taper down to allow for view of traffic.

Motion made to close Public Hearing by Germinerio and Crucetti. All in favor.

County: Per Mr. Cioffi Local Consideration.

Undesirable change: No

Benefits sought by applicant: No

Substantial: No

Adverse affect: No (with mitigation)

Self created: Yes but does not preclude

Type II SEQRA

Condition: 45 degree angle at rt. 43 intersection per BD regulations.

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

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

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- **Application 24-18, for the area variance request of Philip G. Hembdt, 156 Bloomingrove Drive, Troy, NY 12180, for relief from right-side setback requirement of 20 ft., for the purpose of constructing an addition to a single-family dwelling 12 ft. from the right-side property line, at the property located at 156 Bloomingrove Drive, Troy, NY 12180, in an R1 district, having parcel ID#: 123.14-8-3.**

Mr. Hembdt spoke about his application. North side of house is a kitchen exterior door he would like to put a den with ½ bath and closet space. The home is currently 31 feet from the property line and addition would be 16 feet. He needs a variance for the width. He has spoken to her niece and has not heard any objections.

Public Hearing Opened:

No one wishing to speak. Motion made to close public hearing by Mr. Crucetti and seconded by Mr. Hoffman. All in favor.

County: Local consideration shall prevail per Mr. Cioffi.
Condition: Siding and roofing match as close as it can.

Undesirable change: No
Benefits sought by applicant: No
Substantial: No
Adverse affect: No
Self created: Yes but does not preclude

Type II SEQRA

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

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

- **Application 24-19, for the area variance request of Anna Wallace, 40 Zelenke Drive, Wynantskill, NY 12198, for relief from right-side setback requirement of 20 ft., for the purpose of installing an in-ground swimming pool 12 ft. from the right-side property line, at the property located at 40 Zelenke Drive, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 134.6-5-2.**

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No one resent. Mr. Cioffi spoke to her and her contractor on June 11 to discuss. He gave them the go ahead to start the process and now everything is already installed. The flush water will go behind them per Mr. Cioffi. He will be back for an inspection.

Public Hearing Opened:

No one wishing to speak. No written correspondence. Motion made by Mr. Masone and seconded by Mr. Crucetti to close public hearing. All in favor.

County: Local consideration shall prevail per Mr. Cioffi.

The location of the septic guided where they could place this.

Undesirable change: No

Benefits sought by applicant: No

Substantial: No

Adverse affect: No

Self created: Yes but does not preclude

Type II SEQRA

Condition: Flush must go to the back of the yard.

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

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

- **Application 24-20, for the use variance request of Chris Constantine (CMC-CEO Development Group, LLC), P.O. Box 35, Wynantskill, NY 12198, for the purpose of constructing a new 50' x 68' storage building, at the property located at 425 Main Avenue, Wynantskill, NY 12198, in an H district, having parcel ID#: 124.10-3-14.**

Mr. Constantine spoke about the application. He showed the board the rendering on his iPad. Shoney Steps is currently there but not operating as that. He would like to build a storage building (garage) for contractors to store their vehicles in there or equipment. He was before the board in the spring for setbacks.

Chairman noted the property has been vacant and not operating for over 30 years.

Main Avenue design guidelines were discussed as well. Mr. Constantine lives 500 feet from this property so he would like something aesthetically pleasing.

Chairman stated this would work for other people in town and fits a need in the community. Not for home storage.

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Mr. Masone stated his concern is people working on vehicles outside the structure etc.
Mr. Constantine stated he does not want that as well and it will not turn into a junk yard.
Mr. Cioffi said he does not know if this has to go to PB.
Bathroom Facilities: He is not sure yet.

This has to meet the Main Avenue design guidelines per Chairman French.
County: Local consideration shall prevail per Mr. Cioffi.

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.

All use variance questions were asked and answered by Board Members.

1. Financial evidence of reasonable rate of return: None presented and must be in writing.
Mr. Kolakowski said he needs to represent the town and has no evidence if this goes further. Chairman French asked if he could get a letter from a realtor or someone stating nothing else could go in that area or building. Chairman asked him to get that. The letter has to show that he could not get something else there. Get something stating nothing else like a restaurant or something else is not feasible for parking etc.

Mr. Constantine stated this is not a "storage building"

2. Hardship unique: Yes per Board

3. Alter essential character to the neighborhood.

4. Self Created: No because it has been sitting abandoned for over 30 years.

Chairman asked him to come back with the requested information.

Motion made to adjourn this for additional information by Mr. Masone and seconded by Mr. Crucetti. All in favor.

- **Application 24-21, for the area variance request of Jamie Webb (Schenectady Sign Company), 2165 Technology Drive, Schenectady, NY 12308, for relief from having more than two signs per business unit for the purpose of installing additional freestanding and building mounted signage at the property located at 31 Jordan Road, Troy, NY 12180, in a BG district, having parcel ID#: 134.-1-4.1.**

Chairman stated we just received the depiction of the signage. Mr. Webb spoke about the application. He stated if you are turning on Jordan Road there is no indication that he is

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back there. People have driven by and asked where they are. There is also no ATM sign. The board looked at the renderings. Chairman stated the request is a big sign. He said this sign is within 15 feet of a home on the national historic registry. Chairman French spoke to town historian Jim Greenfield. They agreed a small directional sign on the other side would not be intrusive. Scale it down and make it more pleasing and put it n the other side of the driveway. A bush will need to be moved. The historian has also asked for it to be on the other side from where it was proposed.

County: Local consideration shall prevail per Mr. Cioffi.
Public Hearing Opened:

No one wishing to speak.

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

Town Historian comments and PB Chair comments were read into the record.

Undesirable change: No

Benefits sought by applicant: No

Substantial: No

Adverse affect: No

Self created: Yes but does not preclude

Condition: Split application. This is for sign on fascia or ATM only.

SEQRA questions were asked and answered by board members.

Unlisted action

Motion made for neg dec by Mr. Crucetti and seconded by Mr. Masone.

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

Motion made to approve for only the ATM with hours to match already approved Rt. 4 sign lighting by Mr. Crucetti and seconded by Mr. Hoffman.

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

- **Application 24-22, for the area variance request of Sean Knowles (SK Contracting), 743 Columbia Turnpike, East Greenbush, NY 12061, for relief from rear setback requirement of 40 ft., for the purpose of constructing an addition to a single-family dwelling 30 ft. from the rear property line, at the property located at 8 Mountainview Terrace, Rensselaer, NY 12144, in a R1 district, having parcel ID#: 145.5-2-5.**

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Rayanne Babitch, the homeowner, spoke on behalf of her application. Enhance and increase their living space for their family. They have a double lot. The septic field is on their side so the addition cannot go there. The addition would end where the deck ends now. There is a fence currently.

County: Local consideration shall prevail per Mr. Cioffi.

Public Hearing Opened:

No one wishing to speak. No written correspondence. Motion made to close public hearing by Mr. Masone and seconded by Ms. Germinerio. All in favor.

Siding and roofing will match the new roof and siding to be installed which is a condition.

Undesirable change: No

Benefits sought by applicant: No

Substantial: No

Adverse affect: No

Self created: Yes but does not preclude

Type II SEQRA

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

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

Motion made to approve April 2024 meeting minutes by Mr. Crucetti and seconded by Ms. Germinerio

Motion made to approve May 2024 meeting minutes by Mr. Masone and seconded by Ms. Germinerio. Mr. Crucetti and Mr. Hoffman abstained. All in favor.

June 2024 meeting was cancelled and applications were heard at the July 2024 meeting. Motion made to adjourn at 8:10pm by Crucetti and Masone. All in favor.

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.