

ZONING BOARD OF APPEALS
Town of North Greenbush
2 Douglas Street, Wynantskill, NY 12198
Meeting Minutes
August 14, 2024

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

Old Business:

- **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 is back before the board with information he was asked to provide at the last meeting. He submitted a detailed packet of information a few weeks ago in anticipation of this meeting. Chairman French stated it was exactly what the board requested. He would like to rent each bay of the building to small businesses to keep their equipment etc.

A public hearing was conducted last month and opened again this evening.

Wayne Stritsman, who lives next door to this building: He is in favor of this application and stated Chris has done a great job cleaning up the site. He also noted the design guidelines end at 150.

Andrew Mair, DeFreestville: He noted that there are 4 requirements that need to be met. Chairman pointed out that the board has already discussed those at the last meeting and Mr. Constantine brought his answer to the 4th this evening.

Hardship Unique- Chairman stated the board determined it is unique because there is a stream in the back, a cemetery across the street and it was in disrepair and a residential property next to it. Yes

Will the use variance alter the essential character? – no because of how it existed. The site has been improved.

Can the applicant not make a reasonable financial return? Yes, the building was not marketable. The applicant came back with additional data dated July 24 from Bluebird Commercial Real Estate. Chairman read that. They also provided a summary and nothing would work except what is being proposed. Counsel agreed that what he provided was competent fiscal data.

Self Created – He has had to property 3 years and has tried to market it in the allowed use with absolutely no one interested. Answer No.

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

SEQRA was completed by board members. All questions were asked and answered.

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

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

Main Avenue architectural guidelines to be followed.

Motion made to approve with condition above by Ms. Germinerio and seconded by Mr. Hoffman. Roll call Vote: Masone, Crucetti, French, Germinerio, Hoffman. All in favor.

New Business:

- **Application 24-23, for the area variance request of Nadine Dedrick, 32 Van Dyke Drive South, Rensselaer, NY 12144, for relief from constructing an accessory building in the front yard for the purpose of constructing a 26' x 28' detached accessory building that would extend past the front line of the principal building approximately 8 ft. at the property located at 32 Van Dyke Drive South, Rensselaer, NY 12144, in an R1 district, having parcel ID#: 145.6-6-4.6**

Mr. Dedrick explained his application. They would like to construct a two car garage. Because of where the shed is located the new garage will stick out in front of the house by 7-8 feet. He noted two neighbors have garages that stick out further than the home. He feels it will add value to the home. Chairman French noted that he did look at the property.

Public hearing opened:

No one wishing to speak.

Motion made to close public hearing by Ms. Germinerio and seconded by Mr. Hoffman.

County: local consideration shall prevail per Mr. Cioffi.

No written correspondence.

Mr. Dedrick stated they will match roof and siding as best as possible.

Condition: Roof and siding must match as best as possible.

The roof will pitch on sides.

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

- **Application 24-24, for the area variance request Dan Abbott, 74 Bloomingrove Drive, Troy, NY 12180, for relief from right side property line setback requirement of 10 ft. for the purpose of constructing a 24' x 32' detached accessory building 7 ft. from the right-side property line at the property located at 36 Bloomingrove Drive, Troy, NY 12180, in an R3 district, having parcel ID#: 123.9-3-3.**

Mr. Abbott spoke about his application. The home has been in the family for five generations. The existing garage needs to be replaced on the same footprint but over 7 feet from property line deeper.

The siding and roofing will match as best as possible to existing per Mr. Abbott.

Public Hearing opened:
No one wishing to speak.

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

No written comments were received.
County: Local consideration shall prevail.

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 of roof and siding to match a best as possible by Hoffman and Germinerio.

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

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- **Application 24-25, for the code interpretation request of Allison & Craig McCabe, Bloom and Grow Daycare, 706 Bloomingrove Drive, Rensselaer, NY 12144, regarding the property located at 716 Bloomingrove Drive, Rensselaer, NY 12144, in a BN district, having parcel ID#: 144.2-4-1.**

The McCabe's counsel spoke (Lawrence Howard). It is their position that because the old school house was town down. He feels that they still need to go through a new site plan approval process. The Building Department determined they do not.

He is asking this board to overrule the building department. Chairman French stated this is not an interpretation. He stated it is an appeal and explained why. This board has not ruled on this case per Chairman French. Mr. Lawrence is appealing the BD determination that it does not need a new site plan review. Mr. Lawrence said the one room school house was part of the prior approval. He said the fact that the building had to be torn down should have been reviewed by the PB. He said the new proposed building is a completely different building so how can it not be reviewed? The exterior façade is being altered because tit no longer exists. How can the new building be built and site in the exact same spot? He feels the PB must review this project. Basically he feels this project needs to go back before the PB and the fact that it could be built without PB review he doesn't understand the decision.

Mr. Cioffi stated the original plan was a 900 foot school house. He said the new plan that came to him and was denied and needed to be changed. He received a new set of drawings and plan. The exterior of the old building was going to be altered anyway and needed to match the Rt. 4 guidelines. The new building will match what was there but with a basement this time.

The existing building that was there could not be saved. The foundation and walls were separating per Mr. Cioffi.

Mr. Howard asked why not go before the PB again with the new building?? We are starting from scratch because the building was torn down. It does not make any sense not for the PB to review this new building per Mr. Howard.

Chairman French stated the town met with the applicant in the beginning and there was a question about parking. The applicant manipulated the lot so parking would work.

Chairman is stating the new building is the same.

Mr. Lawrence stated this is a new building either way. Chairman French understands Mr. Howard's comments.

Chairman French read the PB Meeting minutes for June where Mr. Cioffi brought this to the board with details of this and it was determined by Planning Board members that no PB action was necessary.

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Mr. Cioffi received a new set of plans which he denied because the square footage was more than originally set. He then received another set of drawings that matched the original PB approval (Layout, parking spots, etc.).

Mr. Greenfield did ask that an historical marker be put on the new site and that will take place.

Mr. Howard stated the reason it should go back before the PB the public hearing showed that that historic building was going to be saved. A new public hearing would bring additional comments per Mr. Howard and the public should be given an opportunity to be heard on the new building and what happens on that site.

Public Hearing opened:

Robert White, Rensselaer: He lives on 242 Bloomingrove Drive. He supports the applicant. He has taken cannabis courses and is a real estate investor. He is in the cannabis industry. He feels this would be a great addition to the neighborhood and create jobs and tax revenue.

Andrew Mair, DeFrestville: It is his position that an amended site plan should have been approved before it was demolished. Elevation of the site has been altered. He feels there should be an amended site plan approved because it will impact the original site. He feels this does impact the overall site therefore needing site plan approval.

Jim Greenfield, Town Historian: He noted the previous owner did not want Mr. Greenfield to do the paperwork for the old school to be an historical site.

Daniel Figgero: Ms. Evenhouse attorney: He said in order to trigger a new site plan review there needs to be substantial change and he said there is not. He said it would be unfair to the applicant to start all over. The public has already participated in the original plans.

The longer this project is delayed the less tax dollars the town will receive. All rules have been followed per Mr. Figgero.

Chairman French asked Mr. Cioffi if in the original site plan was there an architectural drawing. Mr. Cioffi and he said yes. He also received a new drawing and it is the same as the original one. Now there is better handicap accessibility.

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

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County per Mr. Cioffi: They noted the distance between this and a day care center but local consideration shall prevail.

No written correspondence per Mr. Cioffi.

Mr. Howard spoke again. He would like this board, if possible, to make it clear that the conditions are required to be met before a permit is issued. Signage along Bloominggrove needs to be up prior as well. He believes the letter of our law requires that this go back before the PB even though the Planning Board stated it does not. He said the distance of the day care center is not over. That will come up at another date. He would like the board to address the original conditions.

Chairman French stated this board needs to discuss this in public. Mr. Hoffman stated he feels comfortable with the BD decision. Ms. Germinerio agreed. Mr. Masone stated he feels completely comfortable with Mr. Cioffi's explanation of how he made this decision. He supports the BD decision and Mr. Crucetti agrees as well. Chairman French stated that if there were substantial changes it would go before PB again but that did not occur because there were no substantial changes.

Is what the PB and BD did reasonable Chairman asked. Yes per members. The applicant had a permit when this occurred and the other board members agreed.

Motion made to uphold the determination of the Building Department by Mr. Masone and Mr. Crucetti.

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

Motion made to approve July 2024 meeting minutes by Mr. Crucetti and seconded by Mr. Hoffman. All in favor.

Motion made to adjourn at 8:05pm by Mr. Masone and seconded by Mr. Crucetti. 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.