

ZONING BOARD OF APPEALS
Town of North Greenbush
2 Douglas Street
Wynantskill, NY 12198
Meeting Minutes
February 13, 2019

Attendance: John Dalmata, Richard French (Chairman), Leanne Hanlon (Secretary), Michael Miner (Building Department), Robert Ewing, Tony Crusetti, Louise Germinerio, 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.

Old Business:

Application 18-42, for the area variance request of John Convertino, 7 Van Dyke Drive North, Rensselaer, NY 12144, for relief from restrictions prohibiting an accessory building in a front yard, for relief from maximum square footage of an accessory building of 1200 SF and for relief from total square footage of accessory buildings of 1600 SF, for the purpose of constructing a 1500 SF garage with total cumulative SF of accessory buildings of 2850 SF, at the property located at 7 Van Dyke Drive North, in a R1 district, having parcel IDs#: 145.05-7-7 & 145.05-7-8.

Mr. Convertino spoke about his application. He would like to build a garage. He already has one garage on the property. He needs it to store his boat, snow mobiles, and an old car. He said he can go smaller than 1500 sq feet. He said he could bring the building size down to 1200 square feet. Single story 16 foot high. If approved he would join the two parcels together. No business will be run from the new garage it is more for storage per Mr. Convertino. The garage would match the existing home and existing garage. No plumbing but heat.

Public Hearing opened:

Andrew Mair, Brinker Drive: He said the application has three requests for area variance but he reduced the sq feet so it's down to two variances. He stated he would be over the maximum total. He is also concerned that potential business use from the new garage and there would need to be restrictions so that does not occur. He said a stand-alone garage is not a permit able use. He would need a use variance because it's a separate lot. He would like the board to put a condition that the lots are joined. He asked that the variances not be granted.

Mr. Miner stated a garage on a front yard there have been restrictions on how far back the structure would be. Chairman French stated if the properties are joined he now has three front yards. Mr. Convertino stated he tried to show that this would be as far back as he can make it.

**Zoning Board
Meeting Minutes
February 13, 2019
Page 2**

Mr. Miner stated his front setback is 40 and he has 50 feet. Mr. Convertino stated he can bring the building size down to whatever the board suggests. This would now eliminate another variance and he is down to needing one variance which is a front yard variance.

Conditions: joining the properties and show before the building permit is issued. Maximum sq footage 1050. Front setback on Van Leuvan and Rt. 43 of 40 feet each. No business run out of the new garage. No plumbing. Materials must be consistent with current home and garage. No curb cut on Rt. 43.

Mr. Miner said if the parcels are joined he may be able to run the fence down now without a variance. Mr. Kolakowski agreed. It will be accessed from Van Leuvan.

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

Undesirable change character of neighborhood: No
Benefits sought by applicants are pursued other than area variance: No
Substantial: No because he agreed to downsize the building
Adverse effect on physical and environmental conditions: No
Self created: Yes but does not preclude

County: Local consideration per Miner

Type II SEQRA

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

New Business:

Application 19-01, for the area variance of Vincent Catricala, 221 Pershing Avenue, Wynantskill, NY 12198 for relief from minimum lot size requirements of 20,000 SF, for the purpose of constructing a single family home on an existing lot, having 15,000 SF, at the property located on Shore Court, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 135.14-2-3.

Mr. Catricala spoke about his application. He would like to build a modular home on the lot and sell his current home to his daughter. His current property and this one abut. One story modular with walk out basement. Single family. Miner stated it may need a variance but he did not

**Zoning Board
Meeting Minutes
February 13, 2019
Page 3**

receive the plot plan before the notice went out. If his placement changes he will have to come back for a variance. 20,000 sq feet is required and he is requesting 15,000 square feet. He is under contract to buy the property. He just wants to know if he can build on it so he can buy it.

Public Hearing opened:

No one wishing to speak.

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

Town code requires that it be connected to municipal sewer but Mr. Miner stated we should condition that he connects to municipal water as well.

Mr. Miner: County did not respond yet.

Single family no business – Type II SEQRA.

Undesirable change character of neighborhood: No

Benefits sought by applicants are pursued other than area variance: No

Substantial: No

Adverse effect on physical and environmental conditions: No

Self created: Yes but does not preclude

Conditions: Connected to municipal water and sewer. Signature on the application by current owner and buyer (Mr. Catricala) at time of building.

Miner asked Al that when he becomes the owner will the past owner still have to sign the application. Mr. Kolakowski said he will own the property before anything is built so no.

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

Roll Call vote: Dalmata, Crusetti, French, Germinerio, Ewing. All in favor.

Application 19-02, for the special permit request of Thomas Dingley, 190 Pershing Avenue, Wynantskill, NY 12198, for the purpose of allowing a care giver/care receiver dwelling unit, at the property located 190 Pershing Avenue, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 135.10-2-16.

Mr. Miner stated this is a special permit and in reviewing the law it may be a use variance. He would have to repost the public hearing if it is determined as a use variance instead of special permit.

**Zoning Board
Meeting Minutes
February 13, 2019
Page 4**

Mr. Dingley spoke about the application. He stated he wants to convert the storage space above the garage for his dad. Chairman French stated the new language in the code that it has to be part of the primary building. Chairman French said a use variance is very difficult to ring all the bells. Chairman French said he has to show financial depravation. He also stated there appears to be two other accessory buildings. Mr. Dingley stated there is a shed and a small covering to put garage supplies in that will come down when he is done. Chairman French stated the CO is issued to the owner and the person who will receive the caregiving. That is so it cannot be rented to someone else when his dad does not live there anymore. Mr. Miner stated if he attaches this to the house he will still need variances. He needs to demonstrate hardship that a parent or child needs help. Show financial hardship as well. If it's attached there is criteria still need to be met per Mr. Miner. He read some of them to Mr. Dingley. It is not Mr. Dingley's intention to rent it once his dad does not live there anymore. Chairman French suggested that he takes the month until next meeting and sit with Miner to see what he needs to do with variances and this may not be a use variance after that but may still need to get a special permit and it will be easier. Mr. Ewing asked why the plan does not show if there is a kitchen. Mr. Dingley stated he is unsure as to whether he will put a kitchen there or not. He will show on the plans a kitchen for next time.

Public Hearing Opened:

Andrew Mair, Brinker Drive: Back in 2016 the codes committee worked very hard about this situation (in law apartments). He is asking that they not go back to a use variance. He feels it is special permit.

Motion made to table public hearing by Mr. Ewing and seconded by Ms. Germinerio.

Motion made to table until next month so the applicant has time to redo the application and design so he can request a special permit next month by Mr. Dalmata and seconded by Mr. Crusetti. Roll Call vote: Dalmata, Crusetti, French, Germinerio, Ewing. All in favor.

Motion made to approve January 2019 meeting minutes by Ms. Germinerio and seconded by Mr. Crusetti. Mr. Ewing abstained.

Motion made to adjourn at 7:26pm by Mr. Dalmata and seconded by Ms. Germinerio.