

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

Attendance: John Dalmata, Richard French (Chairman), Leanne Hanlon (Secretary), Michael Miner (Building Department), Robert Ewing-absent, 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: None

New Business:

Application 19-20, for the special permit request of Sarah White, 10 Elizabeth Street, Rensselaer, NY 12144, for the purpose of raising chickens, at the property located at 10 Elizabeth Street, Rensselaer, NY 12144, in an R1 district, having parcel ID#:133.81-10-2.

Ms. White described her application. She would like to raise chickens for eggs and have shown improvements with ticks and reduce the populations. She provided a picture of the proposed coop and a proposed compost storage. Would start off at 3 chickens. No rooster per applicant. Waste disposal will be composted. The coop is enclosed.

Public Hearing opened:

No one wishing to speak.

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

Pre Mr. Miner: Has not received anything back from the county on this application, and no written correspondence.

Conditions: no more than 6 chickens, enclosed coop, no free range, no rooster, rodent proof feed bin,

Single family home – type II SEQRA

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

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Application 19-21, for the special permit request of Donald Seebald, 184 Whiteview Road, Wynantskill, NY 12198, for the purpose of raising chickens and ducks, at the property located at 184 Whiteview Road, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 123.12-1-9.1.

Mr. Seebald discussed his application. He would like to transition to be a farmer and 4-H. Duck eggs have more protein. The ducks would have their own pond and contained pen. The chickens would as well. He did not provide a photo of the proposed enclosure. It will be fenced in and he will have a compost pile. Food will be kept in a metal garbage can. He bought 6 at a time. 3 ducks and 6 chickens.

Public Hearing opened:

Christopher Testo, 15 Arden Lane: He lives across from Mr. Seebald. The chickens have been getting loose. There is no order to the property and he is opposed to it.

Cathy Monahan: Arden Lane: Applicant asked her to take care of his ducks and chickens while he was away. She is stating 5 ducks and 6 chickens are on site. She said the ducks are filthy. The wire cage falls apart and they have been on her front lawn at least 4 times. She is opposed.

Mary Testo lives across the street: He is not consistent on how he take's care of anything. His pool is a cesspool. He can't take care of these animals. Mr. Seebald spoke and stated his relationship with his neighbors has not been the best. He said he fixed it so the ducks cannot escape now. His family is in Japan and he works full time. He has had some difficulty with his pool. Chairman French stated that it not a factor in this consideration and if the board wanted to come take a look at the property he is agreeable.

Mr. Dalmata: stated a trampoline with a wire around it does not constitute a cage and is inhuman for the animals and if proper housing is not provided for the animals he is against this application. The ducks and chickens need to be take care of appropriately. He said ducks do not do well in confinement. He is opposed to ducks in a residential neighborhood.

Ms. Germinerio agrees with Mr. Dalmata.

Chairman French stated ducks generally smell in a residential neighborhood. He is a little aggravated that we have to review something after it has been purchased or the ducks and chickens are already in place. The board agreed that they need to see something where the chickens will be housed in.

If approved same set of conditions above as the prior application.

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

Chairman French said the chickens need to be cared for properly

Motion made to table until next month so the board can have him come back and be in compliance with the chickens and BD do a site visit and find a home for the ducks by Mr. Dalmata and seconded by Mr. Crusetti

Application 19-22, for the special permit request of Michael Lambert, 109 Teliska Avenue, Rensselaer, NY 12144, for the purpose of obtaining fill in excess of 150 cubic yards, at the property located at 109 Teliska Avenue, Rensselaer, NY 12144, in an R1 district, having parcel ID#: 134.18-1-5.

Mr. Lambert discussed his application. Chairman French stated he looked at the property and stated it looks as if the fill is already there. He submitted an application for an addition with the BD. After he took down trees it made his property lopsided and needs fill. He had stone brought in to start the garage. He said he needs about 7 more dump trucks and he will be done with the fill. Chairman French said drainage has always been an issue in that area. His plans for his garage showed the elevations. He submitted the application with the BD for his garage.

Public Hearing Opened:

No one wishing to speak.

There was one correspondence received regarding this application.

Mr. and Mrs. Alex Vandamin asking it to be postponed until they can be represented by their attorneys. Chairman French read the letter. Photos were also attached that showed a lot of water. Drainage is definitely an issue.

Chairman French asked if Mr. Miner and the town eng take a look at the site. Mr. Miner asked if Mr. Lambert could go to the Health Dept and get a copy of his septic system plans and it looks as if some of this is over the top of his septic system.

Motion made to table the public hearing to give applicant time to get information by Mr. Dalmata and seconded by Mr. Crusetti. All in favor.

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Application 19-23, for the special permit request of Laura Bloomfield, 23 Lilac Lane, Troy, NY 12180, for the purpose of a home occupation (Doggie Day Care), at the property located at 180 Hidley Road, Wynantskill, NY 12180, in an AR district, having parcel ID#: 123.-4-20.1.

Ms. Bloomfield explained her application and distributed information to the board. She is in process of buying 180 Hidley Road and turn the barn into a home as well as fence in some of the property for a doggie day care. They are never unsupervised. Dogs have to show license and proof of shots, etc. and she does not take aggressive breeds. 12-15 dogs. She is not asking for overnight just day care 7am-6pm.

Public Hearing opened:

Paul Ferritto 178 Hidley road: Behind this property and they share a driveway. He is objecting because this is a blind turn where these two driveways come together. He maintains the entire driveway. He said they could have their own driveway and keep the traffic on their own in the future.

John Weisman: He asked for some of this land to be subdivided. He said it was required for a separate driveway but it is not being used. The same driveway is still being used though. He said most neighbors are fine with this. He said there are many businesses on that road. He said the sub divide was granted with the shared driveways.

Chairman French stated Mr. Ferritto is maintaining a driveway that others are using at his own expense. Chairman French stated that she may need to use the other driveway as a condition.

Mr. Weisman stated they share the expenses for that shared driveway and it does not totally fall on Mr. Ferritto.

Justin Neff, 30 Francis Drive: Client of Laura Bloomfield. He stated he could not ask for more of a business owner and provides an environment for the dogs and a pool they can swim in. There are no cages for these dogs and she screens all the dogs. He is in full support of this application.

Nicole ? is a client and said she is fantastic and the dogs are well cared for and this would allow more space for the dogs. It's a great place and a great neighbor.

Tracey Ferritto, 178 Hidley Road: When they bought the land and granted the easement it was supposed to be residential and it stated no businesses allowed in the deed covenant. This is an

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AR district per Chairman French. This board cannot consider the deed covenants. She said the reason they gave easement was for personal residential use.

Marilyn Halpin, 51 Kuhl Blvd.: Client of Bloomfield. Where she is there now she doesn't have room and this would be ideal. The dogs are quiet. She does not see constant traffic.

Judy Ambling: 170 Hidley across the street. She is worried about the noise and barking. She is asking if the fence would be in the back yard. And asked if the hours are for weekends too and they are not. She thinks the dogs would love this though.

Andrew Mair, Brinker Drive: where will customers park? Ingress and egress and a shared driveway will have concerns. He said it is not fair to the neighbors that this now be a shared driveway for a business. Another concern is of noise. How many dogs can she have and cap it to control noise?

Paul Ferritto again: He not so opposed to the dog day care, it's the driveway thing. He is asking that the other driveway be surveyed. Also signage for the doggie daycare.

Mr. Weisman spoke again: He showed his driveway and an alternative driveway on the aerial version of the map.

Ms. Bloomfield: Totally understands the concerns and has no problem separating the driveway. Right now she has no noise complaints with the dogs where she lives now. She wants to keep the dogs quiet. She does not want to be there where she is not wanted. She will do whatever she has to.

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

Conditions: splitting of the driveway so 180 Hidley has their own driveway and is defined and does not use the shared portion of the driveway for the business. Hours of operation-7am-6pm Mon-Friday. Label the driveway with a sign to distinguish her business. Sign size no larger than 18 x 24. Possibly lighting the sign. No more than 15 animals. There is a cul-de-sac for turning around already on the property.

Type II SEQRA

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

Application 19-24, for the area variance request of Andrea & Josh White, 189 Reichards Lake Road, Averill Park, NY 12018, for relief from side setback requirements of 30 ft., for the purpose of allowing a left side setback of 29.5 ft. for proposed lot #1 (having existing single family home) and for the purpose of allowing side setbacks of 20 ft. in order to construct a new home on proposed lot #2, and for relief from width at setback requirements of 150 ft., for the purpose of allowing a width at setback of 100 ft. on proposed lot #2, at the property located at 87 Teliska Avenue, Rensselaer, NY 12144, in an R1 district, having parcel ID#: 134.18-1-1.

APPLICATION WITHDRAWN

Application 19-25, for the area variance request of Eugene Scattareggia, Jr. (EPS Improvements) 1096 Spring Ave, Troy, NY 12180, for relief from restrictions requiring a minimum separation of 12 ft., for the purpose of allowing the construction of an addition to a single family home, creating a 7 ft. separation from the existing detached garage, at the property located at 36 Powell Street, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 124.9-13-3.

Mr. Scattareggia discussed his application. He would like to build an addition for a family who is expecting a child. He does not want to knock the garage down. A plot plan was not provided in the board packets. Mr. Miner stated he did sit down with him and reviewed the project. The variance is only from corner to corner is 7 ½ feet instead of 12 feet. Mr. Miner provided a plot plan for the board to review.

Single family no business per Mr. Scattareggia.

Public Hearing opened:

Andrew Mair: fire separation rules that need to be considered? Mr. Miner stated it does meet the state code.

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

Nothing from the county per Mr. Miner.

Type II SEQRA

No written correspondence.

Undesirable change character of neighborhood: No

Benefits sought by applicants are pursued other than area variance: Not feasible

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Substantial: No

Adverse effect on physical and environmental conditions: No

Self created: Yes however does not preclude

Condition: Materials will match existing siding and roofing.

Motion made to approve with above condition by Mr. Crusetti and Germinerio.

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

Application 19-26, for the area variance request of Chris Thuman, 44 Haywood Lane, Rensselaer, NY 12144, for relief from fence height restrictions of 4 ft. in a front yard, for the purpose of constructing a 6ft. or taller fence in the front yard, at the property located at 44 Haywood Lane, Rensselaer, NY 12144, in an R1 district, having parcel ID#: 134.3-1-28.

Mr. Thuman discussed his application and Mr. Miner stated this is a corner lot. This is a new construction and because it is stage 3 of the development there is a lot of traffic and pedestrians. The applicant wants to put a fence up around the home to deter that. He feels it is important for security, privacy, pool (to come) and safety of the children. The fence will be set back and would be white vinyl 6 or 8 feet. Mr. Miner stated we typically do not grant anything over 6 feet.

Public Hearing opened:

Nicole Davis: 58 Haywood: She opposes this. Safety is a concern because there is a stop sign there. She doesn't think anyone will be able to see the stop sign once the fence is installed. She doesn't understand why he needs to go beyond the 4 feet. There is over 30 children in that area. She said it will change the look of the neighborhood as well. She asked -when you choose your lot are you not aware of the restrictions. Chairman French stated we consider a corner lot as two front yards. She stated that they chose this corner lot.

Mr. Dalmata stated that no fence can be set on the town property. He said the proposed fence is back quite a bit. He understands safety and privacy. Chairman French stated he does not need to show hardship.

Mr. Miner showed Ms. Davis that it would be 7-8 feet away from the edge of the road. Chairman French stated that if they need another stop sign there they should go before the town board.

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Ms. Bailey: 75 Haywood: She said she has 2 children and anything that will impair the children walking and riding their bikes is not good. 6 feet is too high and it would change the aesthetics of the neighborhood. Mr. Miner stated that the proposed location of the fence would put it outside that 50 feet visibility.

Katie Noel, 53 Haywood Lane: She would like to take a look at the plan and she was given the opportunity to look at the map. She feels safety is an issue and the children. Community is an issue and this property is the second entrance into the neighborhood and lessens the vibe of the neighborhood and having that sense of the community. 4 feet is enough.

Kristina ?, 69 Haywood: looked at the plan and drawing. She doesn't have a problem with the fence however 6-8 feet is ridiculous. Aesthetics.

The applicant Erin Thuman said without the fence she cannot have the children out now. She said she doesn't feel 4 feet is enough especially for the children's safety and for a proposed pool and its safety.

Andrew Mair: he is asking to please not go over 6 feet.

Chairman French stated if we proposed it 50 feet back from the property line that would be a fair distance. Mr. Dalmata stated the house will impede your view more than the fence would and doesn't understand that safety issue neighbors stated. Chairman French also stated this is a common variance in this town.

Bryce Bergerson, 59 Haywood: How can this board say it's ok to do it when the residents say they don't want it? Chairman French stated the law is written that way and he cannot envision what problem will occur on every lot.

Tom Burkhardt: Haywood Lane: Asks that there is no vegetation or hedges. Chairman French stated that is typical request and condition.

Mr. Thuman: he did look at 4 foot fence and people would still be able to see into their yard and home. And there are other homes in the neighborhood that have 6 foot fence.

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

The board does not see a visibility issue as long as it is 50 feet back.

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Chairman French stated he could see the applicant needing a wide gate on Haywood to get things in and out of the back yard and no man gate on the Haywood Lane right side because it is too easy for a child to open.

Conditions: 50 foot clear triangle, no vegetation planting, 50 feet back covered by code, no man gate on Haywood Lane side right, height not to exceed 6 feet. Chairman French recommended that some of the fence can be 4 feet so it will blend better.

Type II SEQRA

Undesirable change character of neighborhood: No

Benefits sought by applicants are pursued other than area variance: No because he has two front yards.

Substantial: No – 2 feet

Adverse effect on physical and environmental conditions: No

Self created: Yes however does not preclude

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

Application 19-27, for the area variance request of Ted & Luciana Owens, 191 Sharpe Road, Wynantskill, NY 12198, for relief from width at setback requirements of 200 ft. and for relief from side setback requirements of 50 ft., for the purpose of allowing a width at setback of 186 sf. And a left side setback of 43 ft., at the property located at 188/191 Sharpe Road, Wynantskill, NY 12198, in an AR district, having parcel ID#: 113.-3-7.1.

Dave Dickinson representing the applicant: He spoke about the application and presented a map to the board. The zoning was changed three years ago in that area from R1 to AR. He distributed a map for board members.

They need to put a driveway there to access the back 20 acres. It is for sub division purposes and there is an application in front of the planning board. One of the lots needs to be sized down a bit to do this.

Public Hearing opened:

Andrew Mair: He just would like to view the map.

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

200 take it down 186, 50 take it down to 43.

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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 however does not preclude

Type II SEQRA

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

Application 19-28, for the special permit request of Woodland Hill Montessori, 100 Montessori Place, Rensselaer, NY 12144, for the purpose of raising chickens, at the property located at 100 Montessori Place, Rensselaer, NY 12144, in a PBD district, having parcel ID#: 144.2-4-41.22.

Representative from Montessori would like to raise chickens and have an educational experience for the children. They have a space near the playground to put the chicken pen there.

Public Hearing opened:

Andrew Mair: asked exactly where the property is located. The board showed him.

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

Because this is not a private residence they need to run through impact assessment. All questions were asked and answered to the board members.

Motion made for a neg dec by Mr. Crusetti and seconded by Mr. Dalmata.

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

Conditions: covered coops, appropriate waste and compost removal, feed must be in appropriate metal containers. No roosters. Chicken wire /flooring to ensure critters won't tunnel in. No more than 12 chickens for the school.

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

Applications 19-29, 30 & 31, for the area variance request of Bloomingrove Drive, LLC, 2080 Western Avenue, Suite 115, Guilderland, NY 12084, for the following:

- 1. For relief from the maximum footprint of a building in a BG district of 10,000 for the purpose of constructing a two story building with a footprint of 20,000 sf.**
- 2. For relief from a required number of parking spaces of 267, for the purpose of allowing the proposed 171 parking spaces for a 40,000 sf. Medical office building in a BG district.**
- 3. For relief from the requirement of a minimum interior greenspace within a parking area of 10%, in a BG district, for the purpose of allowing the proposed 5.5% interior parking lot greenspace.**

At the property located at 604 Bloomingrove Drive, Rensselaer, NY 12144, in a BG district, having parcel ID#'s: 133.-2-15.12 & 133.-2-16.2.

Tim Frytec, Boyler Eng. And Chris Boyeah and the property owner were present. Redevelopment of a site located at the intersection of Bloomingrove drive and Route 4.

He reviewed a map showing the parcels totaling a little over 5 acres. They would like to build a state of the art medical facility. Two story 20,000 sq foot 40,000 total building. Parking will be in the rear of the site. This is an allowed use per Mr. Frytec. He showed storm water management areas and the site will be serviced by Public utilities.

3 area variances

1. Parking lot greenspace they are asking for 5.5% greenspace.
2. Variance from relief for parking spaces. They need 267 spaces they are proposing 171
3. 10,000 sq foot print to 20,000 foot print.

(this is #3 above): 20,000 from 10,000. He said they have 5 acres for the site. He feels they are well beyond the minimum lot sq footage. They do not want to build separate parcels to achieve this. Because it is a medical building they require a lot more space to use because there will be urgent care and surgical care as well. Waiting rooms patient room etc. He showed some elevations to break up the front façade from the street. He showed the board a rendering of the proposed building with some stone etc. He said the highways around the area will serve this.

(This is #2 above): Parking spaces: their experience and demand for parking does fall within the 171 range. They have another facility that is 40,000 sq feet that is serviced by 120 spaces. There are large common areas and stairwells that make up the square footage.

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(This is #1 above) There will be three landscape islands and they have 5.5% where the town requires 10%. He said they need more walking areas for patients for this type of a facility. They wanted to keep the buffer behind the project because there are apartments back there. They are a little over 40% lot coverage. There are walking space and sidewalks alongside the building as well.

Chairman French is concerned about the 20,000 sq feet because that is doubled to the code. The Delmar building is a 30,000 sq foot facility. They also mentioned the one on Jordan and Rt. 4. Mr. Miner stated we need to ask what is the substantial impact and effect on the neighborhood. Counsel stated this is comparable to the medical building on Empire Drive past Walmart. They will take down two additional homes. Then there is an occupied homes at the end of that road. Mr. Miner stated with the road changes is that this site will be right at the new traffic signal and there will be a safer intersection on the other side where all the traffic for this building will come out. The way the front of the building is broke up is aesthetically pleasing and does not look like a big box.

Mr. Miner stated this an allowed use for this town and if we limit the footprint we would not be able to get this type of a facility built here. Chairman French noted a few urgent cares in the town are no longer there. Chairman French is also concerned about what to do if and when the building becomes vacant in years to come. Chairman French did say that this type of care is not in this area and people have to go over the river.

Public Hearing opened:

Andrew Mair: Troy has some good health care facilities on this side of the river. His concern is that this is a 100% variance and that is substantial. He feels there are alternatives and they could do 3 story building. That would be 30,000 sq feet and that may free up some greenspace. That would eliminate all the variances except the parking spaces.

Miner stated do we want three story's? Also they are permitted to have more than one building that are smaller but do we want that. Mr. Miner cited other buildings built in town that have doubled their footprint. The Board agrees that a 3 story building would look awful.

Andrew Mair stated is this something that should shift toward the planning board and French stated they will have to go before them. The board asked the applicants if they have looked at a 3 story and they have not.

Mr. ? stated they want it to look like the town wants it to look and remember where this is located across from a large shopping center. He does not feel it is out of character. Mr. Miner stated that they have also offered the veterinary office access to that outlet to be built.

Mr. Mair also stated the long side of Bloominggrove s very residential. Can we see some renderings of what a 3 story would look like before the board decides that might not look good? Mr. Miner stated it will be taller than any other building in that area.

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Mr. ? stated the tenants on the third floor of the CDPHP building struggle. Chairman French would like to see a table of the sizes of the medical buildings in the area and capital district. They brought 3 facility sizes. Delmar facility: 32,000 sq feet (1 story), Latham: 30,000 Niskayuna: 30,000 sq. feet all providing similar services.

Chris Boyea: this new facility will be a world class facility. They could build a 30,000 sq. feet building but it would not work as a state of the art facility. He said the lot is 600% than the lot requires. It is a unique situation with the lot and the tenant. Chairman French stated that he has not received a phone call about this project and there were not a lot of public here to speak and he doesn't feel this is a controversial project in the town.

Mr. Dalmata stated this is not a big box store and that it is critical infrastructure. The care and medical services they will be providing this community will be well served. Urgent care and surgical center is what they are discussing at this time.

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

Uncoordinated SEQRA determination because the planning board will be looking at the majority of it. It will all be done as one. All questions were asked and answered by the board members.

Motion made for neg dec by Mr. Dalmata and seconded by Ms. Germinerio. Roll call vote: Dalmata, Crusetti, French, Germinerio. All in favor.

Per Mr. Dalmata this will need to conform to the Rt. 4 design guidelines and the Planning Board will determine and regulate that.

Condition: area variance be granted for medical office use only.

Motion made to approve with above conditions above for the three below variances by Mr. Dalmata and seconded by Ms. Germinerio. Roll call vote: Dalmata, Crusetti, French, Germinerio. All in favor.

- 1. For relief from the maximum footprint of a building in a BG district of 10,000 for the purpose of constructing a two story building with a footprint of 20,000 sf.**
- 2. For relief from a required number of parking spaces of 267, for the purpose of allowing the proposed 171 parking spaces for a 40,000 sf. Medical office building in a BG district.**

- 3. For relief from the requirement of a minimum interior greenspace within a parking area of 10%, in a BG district, for the purpose of allowing the proposed 5.5% interior parking lot greenspace.**

Motion made to approve July 2019 meeting minutes by Mr. Dalmata and seconded by Ms. Germinerio. All in favor.

Motion made to adjourn at 9:45pm by Mr. Dalmata and seconded by Ms. Germinerio.