

**ZONING BOARD OF APPEALS**  
**Town of North Greenbush**  
**2 Douglas Street**  
**Wynantskill, NY 12198**  
**Meeting Minutes**  
**December 9, 2020**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of North Greenbush will hold public hearings on Wednesday, December 9, 2020 for the following applications at the Town Offices, 2 Douglas Street, Wynantskill, NY, beginning at 6:30 P.M.

**IN ACCORDANCE WITH EXECUTIVE ORDER 202.1**

**NOTICE IS HEREBY GIVEN that public hearings will be held before the Zoning Board of the Town of North Greenbush with respect to the following matter at the time and place set forth below:**

**Time & Place: December 9, 2020 beginning at 6:30 pm**  
**VIA LIVE STREAM**

**[www.townofng.com](http://www.townofng.com) (Click on the top banner that says: Watch Town Meetings, then click on the Zoning Board Meeting link)**

Due to the current COVID-19 pandemic and Gov. Cuomo's executive order 202.1, at this time, the public is not able to participate in person during the hearing. All application materials are available for review on the Town's website. If you would like to make a comment on the applications, all comments must be submitted via e-mail to: [building@townofng.com](mailto:building@townofng.com) or by phone 518-283-2714. In the event that the Governor's guidelines allow for participation in person, it will be noted on the Town's website. However, the Town will still continue with the live streaming of the Zoning Board public hearings and accept comments by email or phone.

Due to on-going social distancing requirements and to maintain the opportunity for the public to participate, the Town of North Greenbush will hold public hearings via teleconference and videoconference on Wednesday, December 9, 2020 beginning at 6:30 pm. The following applications will be heard:

**Attendance: John Dalmata-absent, Richard French (Chairman), Leanne Hanlon (Secretary), Michael Miner (Building Department), Robert Ewing, Tony Crucetti, Louise Germinerio, Al Kolakowski (Legal Counsel).**

**Old Business:**

**Application 20-32, for the area variance request of Tom Rento c/o Bloomingrove Drive, LLC, 2080 Western Avenue, Suite 115, Guilderland, NY 12084, for relief from restrictions limiting the maximum building footprint to 10,000 sf., for the purpose of allowing a 24,000 sf. building footprint, at the property located at 604 Bloomingrove Drive, Rensselaer, NY 12144, in a BG district, having parcel ID# 133.-2-15.12, 133.-2-16.1, 133.-2-16.2 & 133.-2-17.**

All three applications read and heard together.

Tim Freytag, Bohler Engineering spoke about the three applications. He stated they have made changes and improvements to the sight including turning around one of the buildings and now facing the road, which allowed for more parking. Aldi's building has been reduced to 22,000 square feet. They added additional greenspace as well. They now have 200 parking spaces. Landscaping was discussed and Mr. Freytag showed the board on the map where the trees and plantings would be. The roof line for Aldi's is now positioned to the front. There will be some changes to the building as far as new stone. Aldi's will get approval for the look and design of the building from corporate. These changes were made after he met with Chairman Lacivita and Chairman French and Mr. Miner. Three things per Chairman French: building size 22,000 versus 24,000. Set back of 28 variance from 50 feet  
Parking – has not been discussed.

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Chairman French read all the written comments that were sent via email. Mr. Mair is asking for an interpretation for all proposed project building footprints are required to be added together. Many of the comments are suggesting that there are markets everywhere (Shop Rite, Market 32, Target and Walmart).

Chairman French addressed some of the comments before the applicant responded. He said zoning laws have nothing to do with how many markets are in the area or oversaturation. We are not approving the actual business, we approve the parking, variance and setbacks. He also said Target, Walmart and Market 32 are all in a different town. He stated the congestion will be relieved with the Rt. 4 intersection changes and this has already started.

Andy Mair's request for an interpretation: Mr. Miner spoke about density and how he based his decision. He referred to code (listen to recording). He said they base it on the buildings' footprint (one building). Not cumulative.

Chairman French referred to an application that was denied that Mr. Mair mentioned in his comments. Chairman French said that applicant was not willing to bend on the Parking and they could not operate properly with the number of spaces the applicant proposed twice and the applicant would not even discuss adding more spaces but did say he had no more room for any other spaces.

Mr. Miner: County stated for application 20-34 nothing has come back. The county already commented on the other two applications.

Mr. Miner asked the applicant to provide a 3D rendering of the proposed businesses to show the public.

Chairman French asked the applicant about the one driveway and asked that they reconfigure it to prevent accidents.

Parking spaces were amended to 237 required requesting 200 per Mr. Freytag.

Mr. Freytag spoke about the overall lot coverage (listen to recording).....

Public Hearing re-opened: (20-32 and 20-33 and open 20-34)

One comment from someone on Zoom who spoke during the public hearing.

Motion made to close all three public hearings by Mr. Crucetti and seconded by Mr. Ewing. All in favor.

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Mr. Ewing envisioned a much different layout for the area but things have changes and we need to change the way we look at the parcel itself. He is pleased that Aldi corporate is working with the board. He did have concerns about the back corner and is happy it has moved a little. He wants to make sure emergency vehicles can get around that back corner.

Chairman French asked counsel if they have to do three separate SEQRAs and he said no. You can do all cumulative per counsel.

All SEQRA questions were asked and answered by Board members together for all three applications.

Motion made for a neg dec for all three by Mr. Crucetti and seconded by Ms. Germinerio. Roll call vote: Crucetti, French, Germinerio, Ewing. All in favor.

Application 20-32:

Undesirable change: No  
Benefits sought by applicant: No  
Substantial: No because it is a 7.3 acre lot  
Adverse affect: No  
Self created: Yes but does not preclude

Conditions: 22,000 sq foot max bldg. size  
Greenspace in front of bldg. as shown on map  
Building orientation was changed by application as BD request  
Parking in front of building was changed by application as BD request and greenspace was added there.  
One year separation

Motion made with above conditions by Mr. Ewing and seconded by Mr. Crucetti. Roll call vote: Crucetti, French, Germinerio, Ewing. All in favor.

Application 20-33:

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

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Conditions: Size reduction, removed door in back to limit access to the bldg.

Impact buffer intrusion

One year separation

Motion made with above conditions by Mr. Crucetti and seconded by Ms. Germinerio.  
Roll call vote: Crucetti, French, Germinerio, Ewing. All in favor.

Application 20-34:

Undesirable change: No

Benefits sought by applicant: No

Substantial: No

Adverse affect: No

Self created: Yes but does not preclude

Based on building size reduction only 237 spaces are required and they have 200.

Conditions:

Motion made with above conditions by Mr. Ewing and seconded by Ms. Germinerio.  
Roll call vote: Crucetti, French, Germinerio, Ewing. All in favor.

**Application 20-33, for the area variance request of Tom Rento c/o Bloomingrove Drive, LLC, 2080 Western Avenue, Suite 115, Guilderland, NY 12084, for relief from buffer setback requirements of 50 ft., for the purpose of a 26 ft. buffer from the North Westerly boundary abutting a residential R4 district, at the property located at 604 Bloomingrove Drive, Rensselaer, NY 12144, in a BG district, having parcel ID# 133.-2-15.12, 133.-2-16.1, 133.-2-16.2 & 133.-2-17.**

See above

**New Business:**

**Application 20-35, for the area variance request of David Stone, Bloomingrove Veterinary Hospital, 498 North Greenbush Road, Rensselaer, NY 12144, for relief from restrictions prohibiting an accessory building in a front yard, prohibiting an accessory building within 12 ft. from the primary structure and relief from side setback requirements of 7 ft., for the purpose of allowing an accessory building to be partially located in a front yard, 6 ft. from the primary structure and 2 ft. from the side property line, at the property located at 498 North Greenbush Road, Rensselaer, NY 12144, in a BG district, having parcel ID#: 133.-2-14.**

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Jeffrey Mazzarelli from Decadent Outdoors discussed the application. He said the Vet cannot allow people into the bldg. for euthanasia and now have a tent in the rear of the bldg. They need to have this bldg. for that purpose. The siding and shingles will match existing bldg.. This allows for more privacy. It would be left as a permanent structure to use for the same use after COVID. Two French doors that will be screened and no windows and a door in the back.

Public Hearing opened:

Mr. Miner: county nothing has been returned yet.

No written comments per Chairman French.

No one wishing to speak.

Motion made to close Public hearing by Ms. Germinerio and seconded by Mr. Crucetti.

Mr. Ewing asked if anyone has discussed this with the neighbor. Jeff did not know by there is a fence right there that will stay.

Conditions: Siding and roofing to match  
Existing Fence to remain  
One year separation.

Undesirable change: No

Benefits sought by applicant: No

Substantial: No

Adverse affect: No

Self created: Yes but does not preclude

All SEQRA questions were asked and answered by Board members.

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

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

Motion made with above conditions by Ms. Germinerio and seconded by Mr. Crucetti.

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

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**Application 20-34, for the area variance request of Tom Rento c/o Bloomingrove Drive, LLC, 2080 Western Avenue, Suite 115, Guilderland, NY 12084, for the relief from the number of required parking spaces (254) for the purpose of approving a site plan having 220 number of parking spaces at the property located at 604 Bloomingrove Drive, Rensselaer, NY 12144, in a BG district, having parcel ID# 133.-2-15.12, 133.-2-16.1, 133.-2-16.2 & 133.-2-17.**

See Above.

Meeting Minutes:

Motion made to approve November 2020 meeting minutes by Ms. Germinerio and seconded by Mr. Crucetti. All in favor.

Motion made to adjourn at 8:10pm by Ms. Germinerio and seconded by Mr. Ewing. All in favor.

If you need additional information or have questions about the process, please contact us at: 518-283-2714 or [building@townofng.com](mailto:building@townofng.com) .