

**ZONING BOARD OF APPEALS**  
**Town of North Greenbush**  
**2 Douglas Street, Wynantskill, NY 12198**  
**Meeting Minutes**  
**September 8, 2021**

**Attendance: Richard French (Chairman), Leanne Hanlon (Secretary), Michael Miner (Building Department), Robert Ewing, Tony Crucetti, 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 21-34, for the area variance request of Dave Evans, 430 Dick Road, Depew, NY 14043, for relief from front setback requirements of 15 ft., for the purpose of allowing a business sign 0 ft from the property line, at the property located at 263 North Greenbush Road, Troy, NY 12180, in a BN district, having parcel ID#: 123.17-4-39.**

Ms. ? is the property owner and spoke about the application. She wants to keep the sign where it is and went through all the sign approval process with the town. She is not sure who stated it is 0 feet from the property line and that was not noted on the application. Whoever installed it miss measured per Mr. Miner. Chairman French did note that her sign is closer to the road than any other sign on Rt. 4.

Chairman French said he looked at it and feels it could go back a little bit from what he feels is the property line and it pretty close to the property line.

She stated she trusted the sign company as to where they placed it. Chairman French stated she will have to have them come back and move it. He also told her she needs to have the property line noted. She could then need to come back to the board. She said she has the survey and she will measure it herself.

The board needs a drawing of where the sign is when she comes back. The board needs to have more information.

Motion made to table by Mr. Crucetti and seconded by Mr. Ewing. All in favor.

**Application 21-35, for the area variance request of SY Kim Land Surveyor, 424 North Greenbush Road, for relief from front setback requirements of 15 ft., for the purpose of allowing a business sign 5ft. from the front property line and the allowance of an LED sign message sign 5 ft. from the front property line, at the property located at 424 North Greenbush Road, Rensselaer, NY 12144, in a BN district, having parcel ID#: 134.13-1-7.**

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No one present. Postponed. Mr. Miner stated he spoke to Mr. Kim and he asked that this application be postponed.

**Application 21-36, for the use & area variance requests of Edward M. Sossner, 399 Albany Shaker Road, Albany, NY 12211, for the purpose of allowing a single family residence to be constructed in a C (commercial) district and for relief from minimum lot size requirements of 5 acres and setback requirements of 50 ft., for the purpose of constructing a single family home on 1.02 acres with a front setback of 35 ft., side setbacks of 30 ft. and a rear setback of 40 ft., at the property located at 504 Bloomingrove Drive, Rensselaer, NY 12144, having parcel ID#: 134.-1-8.2.**

Attorney Mr. Ed Sossner representing the owner Mr. Butler. He would like to build a single family home on the parcel. It is zoned commercial. Mr. Sossner stated this parcel should not have been included in the commercial zone because it is undersized for commercial use. He stated it is consistent with the neighborhood.

Mr. Miner stated this surrounds the Cooley Motors property and the Lombardi property and could be a mistake with the size. Mr. Miner stated it could be rezoned back to resolve the issue.

Chairman French agreed with what Mr. Sossner is stating however, there was no map provided and we need a map because the board had a hard time understanding what they are asking without the map. Chairman French also stated we have to follow strict set of criteria. When did Mr. Butler take over the lot? Per Mr. Sossner stated prior to the rezoning.

Chairman French stated it looks as if the hardship is unique. Can the applicant not realize a reasonable return with competent fiscal evidence? Why the outlined uses would not work financially? Chairman French stated he needs to get a real estate person to look at this to see how and if it can be marked. We need this information per Chairman French. The board needs something to show us reasonable use financially.

Mr. Sossner stated members of the community would not be happy if they proposed something for commercial use. The lot size is so small for commercial use.

Mr. Miner stated they cannot use fiscal evidence because the lot is uniquely sized for commercial use and counsel agrees the board cannot request that one criteria.

Mr. Miner provided a map he had to the board to review.

Per Mr. Miner: County-Local consideration shall prevail.

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Public Hearing opened:

Kathleen Weatherwax, Rt. 43: Spoke and asked what size the lot is. It was explained to her.  
No one else wishing to speak.

Written comments were received by Andrew Mair which were read for the record.

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

Chairman French read all use variance questions for the board to answer. He noted it is surrounded on three sides by R1 properties.

Mr. Miner stated these setback request are consistent with an R1 zone. Chairman French stated he does not want it to appear as if the board is spot zoning.

Undesirable change: No

Benefits sought by applicant: No

Substantial: No consistent with R1

Adverse affect: No

Self created: No

Type II SEQRA

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

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

**Application 21-37, for the special permit request of Nicholas Martone and Valerie Mitchell, 4045 NY Rt. 43, Wynantskill, NY 12198, for the purpose of having a home occupation/dog grooming business, at the property located at 4045 NY Rt. 43, Wynantskill, NY, 12198, in an AR district, having parcel ID#: 146.-2-71.**

Justin Law representing the Martone's. She currently has a business on Main Avenue and would like to move it to her new home which is bigger. 9am-6pm business hours. Grooming small dogs. No boarding, no kennels. Two cars in the driveway at a time at most.

Chairman French stated in the past the issues brought up have already been gone over by Mr. Law. There will only be a small sign in the window.

Public Hearing Opened:

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Kathleen Weatherwax-409 Rt. 43: She asked if there would be dogs outside and there will not be. She asked about dog waste and the waste, if any, will be cleaned by applicant.

Chairman French stated that if the applicant violates the conditions of the permit they would have to come back before the board.

Applicant anticipates about 4-5 cars a day at the most. He driveway is off of Rt. 43.

County per Mr. Miner-local consideration shall prevail.

Motion made to close public hearing by Crucetti and seconded by Ewing.

Chairman French read all use variance questions for the board to answer.

Conditions: No boarding, no kennels, hours 9am-6pm, small sign on door and not on Rt. 43,

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

**Application 21-38, for the area variance of Scott Noel, 43 Haywood Lane, Rensselaer, NY 12144, for relief from front parking setbacks of 10 ft., for the purpose of allowing a front setback for parking of 6.7 ft., for relief from rear setback requirement sf. 25 ft., for the purpose of allowing a rear deck to be located 3 ft. from the rear property line, and for relief from minimum greenspace requirements of 25%, for the purpose of allowing development of the site with 23.5% greenspace, at the property located at 490 North Greenbush Road, Rensselaer, NY 12144, in a BG district, having parcel ID#: 134.17-16.2.**

Mr. Noel stated he has a tenant (The Bunker) and they will be doing indoor golf simulation. Food and bar drinks will also be available. Small kitchen inside as well. The site in general has gotten smaller due to the Rt. 4 project. He is asking for less greenspace for more parking. There will be outdoor seating which is why they are requesting a deck.

Planning Board provided conditional approval pending what the ZB approves.  
The food and drink portion will mostly be used by the golf patrons.

Public Hearing opened:

Mr. ? spoke asked where people would be golfing. Mr. Noel stated inside. He said he also thinks the deck for serving is a good idea.

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Mr. Crucetti asked about hours of operation and Mr. Noel stated they would not be open in the morning.

Mike Moscatello asked about the driveway and Mr. Noel showed him on the board. He also asked if they driveways would be connected and at this time they will not be.

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

All SEQRA answers were asked and answered by the board.

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

Undesirable change: No

Benefits sought by applicant: No

Substantial: No because of the DOT project

Adverse affect: No

Self created: Yes but does not preclude

Conditions: deck to remain unenclosed underneath and on sides and no roof.

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

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

Mr. Moscatello asked the board some questions about residential properties being allowed to be used for businesses.

July and August Meeting Minutes were not approved because no one had a chance to look at them. They will be reviewed at the October meeting along with September's minutes.

Discussion to move the October meeting to ensure everyone can attend. Meeting moved to October 27.

Motion made to adjourn at 8:15pm by Mr. Crucetti and seconded by Ms. Germinerio.