

ZONING BOARD OF APPEALS
Town of North Greenbush
2 Douglas Street, Wynantskill, NY 12198
Meeting Minutes
May 11, 2022

Attendance: Richard French (Chairman), Leanne Hanlon (Secretary), Michael Miner (Building Department), Tony Crucetti-Absent, Louise Germinerio, Michael Masone, Greg DeJulio, 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 does.

Public Hearings:

Application 22-07, for the area variance request of Brian Waldron, 5 Mayfair Road, Wynantskill, NY 12198, for relief from setback requirements of 20 ft. from property lines, for the purpose of placing an above ground swimming pool 7 ft. from the back and right side property line, at the property located at 5 Mayfair Road, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 124.9-20-7.

Mr. Waldron was before the board last month but they could not act. He spoke to his neighbor next door as suggested by the board and they have no issues per Mr. Waldron.

Public Hearing Opened:

No one wishing to speak.

Motion made to close Public Hearing by Mr. Masone and seconded by Ms. Germinerio.

Type II action

Conditions: Drain pool toward the creek.

Motion made to approve with one condition by Mr. DeJulio and seconded by Mr. Masone.

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

Application 22-08, for the area variance request of Eidin Beirne, 402 Anthony Street, Troy, NY 12180, for relief from rear setback requirements of 20 ft., for the purpose of allowing a deck 8 ft. from the property line, at the property located at 402 Anthony Street, Troy, NY 12180, in an PDD district, having parcel ID#: 123.13-8-23.

This was before the board last month but they could not act. Ms. Beirne provided a copy of the approval from the HOA to the board.

No changes since last month per Ms. Beirne.

Public Hearing Opened:

**Zoning Board
Meeting Minutes
May 11, 2022
Page 2**

No one wishing to speak.

Motion made to close the public hearing by Mr. Masone and seconded by Mr. DeJulio.

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

Unlisted SEQRA Action.

Motion made to approve as presented by Mr. Masone and seconded by Mr. DeJulio.

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

Application 22-09, for area variance request of Jessica Krupski, 551 Myrtle Avenue, Albany, NY 12208, for relief from code restrictions, which apply to a property on a corner lot, for the purpose of allowing a 4 ft. fence within 50 ft. of the intersection of Shore Court and Leslie Avenue, at the property located at 7 Shore Court, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 135.14-2-1.

This was before the board last month but the board could not act. Ms. Krupski met with the building department and highway superintendent and a property line was presented that was reviewed. The board also reviewed that document.

Public Hearing opened:

No one wishing to speak.

Motion made to close the public hearing by Mr. Masone and seconded by Mr. DeJulio.

Undesirable change: No mitigated by agreed design by highway superintendent

Benefits sought by applicant: No.

Substantial: No

Adverse affect: No

Self created: Yes but does not preclude

County: local consideration shall prevail.

Conditions: Fence to be installed per specs provided and approved by highway and BD and fence regulations the BD will discuss with her.

**Zoning Board
Meeting Minutes
May 11, 2022
Page 3**

Motion made to approve with condition by Mr. Masone and seconded by Ms. Germinerio.
Roll call vote: Masone, French, DeJulio, Germinerio. All in favor.

Application 22-11, for the special permit request of Jennifer Cuttler, 80 Pershing Avenue, Wynantskill, NY 12198, to allow chickens, at the property located at 80 Pershing Avenue, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 135.11-8-12.

Ms. Cuttler will have a 5x10 coop toward the back of the yard. Waste will be composted per Ms. Cuttler. Mr. DeJulio asked about a site plan. Is the use consistent with the public health and safety and welfare, yes per the board.

Public Hearing opened:

No one wishing to speak.

Motion made to close public hearing by Mr. Masone and seconded by Mr. DeJulio.

County: local consideration shall prevail.

Conditions: No Rooster, feed must be in predator proof containers, must be fence on sides and top and put in the ground, waste will be composted, no free range, coop must be in rear yard and at least 15 feet from property line, no more than 6 chickens.

Motion made to approve with conditions by Mr. DeJulio and seconded by Mr. Masone.
Roll call vote: Masone, French, DeJulio, Germinerio.

Application 22-01, for the area variances request of Tom Rento/Bloomingrove Drive, LLC, 2080 Western Avenue, Suite 115, Guilderland, NY 12084, for relief from rear setback requirement of 30ft for the purpose of allowing a 9.3 ft. setback, for relief from maximum building footprint allowance of 10,000 sf. for the purpose of allowing a 30,000 sf. building and for relief of parking requirements of 200 spaces in order to allow a total of 176 parking spaces, at the properties located at 614 & 616 Bloomingrove Drive, in a BG district, having parcel ID#s:133.-2-17, 145.-7-5 & 145.-7-1.132.

This was heard at last month's meeting but could not be acted on.

No additional comments were received since the last meeting per Chairman French. Mr. Rento stated nothing changed. He did say storm water management was discussed last meeting and it has been submitted to the board and town. Chairman French stated there really are no conditions. Some might consider this substantial but given the circumstances and the size of the unique property it is not. One possibly consideration per Chairman French is the fact that there is an Aldi's and fitness center. How long will it take before the apartment complex residents

**Zoning Board
Meeting Minutes
May 11, 2022
Page 4**

make a path to get to the site? Mr. Miner stated the PB should consider this including the safety and trash that could be left there from food. Mr. Miner stated that the BD has to have a conversation with the apartment property owners so they have some doing in the maintenance of that path. Mr. Masone stated there is a dirt path there. Mr. Rento is not opposed to this and if that will be a condition he is fine with that.

Public Hearing opened:

No one wishing to speak

Motion made to close public hearing by Mr. DeJulio and seconded by Mr. Masone.

Unlisted Action: All SEQRA questions were asked and answered by the board.

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

Mr. Miner stated the county responded that they should consider the second floor and should review the SWIP plan and storm water management.

Undesirable change: No

Benefits sought by applicant: No.

Substantial: No based on conditions of the unique piece of property

Adverse affect: No

Self created: Yes but does not preclude

Condition: connecting path discussion between the complex and the apartments and work that out with the property owner.

Motion made to approve with condition by Mr. Masone and seconded by Mr. DeJulio.

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

Application 22-10, for the special permit request of Rosetti Companies c/o Chris Falvey, 427 New Karner Road, Suite 2, Albany, NY 12205, for the purpose of allowing apartments on Valley View Blvd. (an extension of Stonegate Apartments) in an IG district, having parcel ID#: 133.-2-1.133.

No one was present last month for this application. Mr. Daniel Hershberg representing Rosetti. Mr. Hershberg showed the board a rendering of this project. He said they received comments from Police and Fire and they want a Knox box. He said they are still working on the storm water management plan. The same people that manage Stonegate will manage this new property per Mr. Hershberg. Lafeme is selling the property to Rosetti. This will be connected to Stonegate as well.

**Zoning Board
Meeting Minutes
May 11, 2022
Page 5**

No comments were received on this project.

County stated local consideration shall prevail and sewers that connect to Valley View Blvd. and the county has a \$1500 per unit hookup fee that was noted and Mr. Hershberg is aware of this. Mr. Miner stated there will be a \$1,000 per unit traffic mitigation fee. This is a notice only. Planning Board will make this a condition. Notice has been given to the applicant regarding traffic and sewer mitigation.

Public Hearing Opened:

No one wishing to speak.

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

Unlisted SEQRA

SEQRA questions were all asked and answered by the board.

Chairman French stated a comment was received by the Planning Board and forwarded to Chairman French. (Sidewalks extended).

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

Undesirable change: No

Benefits sought by applicant: No.

Substantial: No

Adverse affect: No

Self created: Yes but does not preclude

Motion made to approve with mention to the mitigation fees by Mr. DeJulio and seconded by Mr. Masone

Roll Call Vote: Masone, French, DeJulio, Germinerio. All in favor.

Motion made to approve the April 2022 meeting minutes by Mr. DeJulio and seconded by Mr. Masone. All in favor.

Motion made to adjourn at 7:30pm by Mr. Masone and seconded by Mr. Germinerio.

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.**