

**ZONING BOARD OF APPEALS
Town of North Greenbush
2 Douglas Street
Wynantskill, NY 12198
Meeting Minutes
August 12, 2020**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of North Greenbush will hold public hearings on Wednesday, August 12, 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: August 12, 2020 beginning at 6:30 pm
VIA LIVE STREAM**

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 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, August 12, 2020 beginning at 6:30 pm. The following applications will be heard:

Attendance:

Attendance: John Dalmata, 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 and what this board does.

Due to technical difficulties, this meeting will be taped and no voting on applications will be done tonight so people can watch the video and make comment. People can comment for five days after tonight.

New Business:

Application 20-14, for the special permit request of Kristen & Ken McGivern, 510 Church Street, for the purpose of having chickens, at the property located at 510 Church Street, Wynantskill, NY 12198, in a H (Hamlet) district, having parcel ID#: 124.6-3-7.

Heard second.

Ken McGivern explained his application. They would like to raise chickens to help with his wife's dietary needs. He would have 6 chickens. No rooster per Mr. McGivern. This is standard to all the other applications we have heard per Chairman French

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Per Board:

No free range

Must be penned and on top as well

Waste plan

Feed storage

No rooster

No more than 6 chickens

His coop is 4x8 and he is agreeable to the above and explained what his coop and run will be. Mr. McGivern provided an aerial map. The coop will not be visible from the road or next door neighbor. One neighbor is looking forward to the compost created by this per Mr. McGivern.

Motion made by Mr. Dalmata and seconded by Mr. Ewing to keep public hearing opened and table until the board can act. All in favor.

Application 20-15, for area variance request of George W. Fudge, Jr., 4280 NY Route 43, Rensselaer, NY 12144, for relief from maximum cumulative square footage of accessory buildings of 1600 sf., for the purpose of allowing a 1200 SF accessory building in addition to an existing 2400 sf. accessory building, allowing a total cumulative square footage of 3600 sf., at the property located at 4280 NY Route 43, Rensselaer, NY 12144, in an AR district, having parcel ID#: 145.-10-7.32.

Mr. Fudge explained his application.

He would like to build a garage and currently has a pole barn to use to play soccer. It is used for training, soccer and youth space. It was used as a limousine company prior to this. It is now called the Training Zone. He needs a barn to store items (truck, motorcycles, ATV, etc.) in this new structure. He noted that he received a special permit for the use from limousine to the soccer training facility.

He is looking for another 1200 square foot building and that will bring him to 3600 square feet.

What happens when he decides to sell? If someone else buys it what will the new owner ask to have there? He stated the new structure is not for business.

If this was attached to the current structure that may not be an issue per Chairman French.

Mr. Miner stated it would not if it was attached as long as he is 50 feet away. He is way over the area coverage.

Connecting the existing brings down his lot coverage and he would not need this particular variance per Chairman French. Chairman French stated this appears to not be bothering anyone and there is nothing around this property.

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A comment was sent:

Andy Mair – Chairman French read this for the record. He noted the maximum allowed and would be over by 125%.

Chairman French stated the uniqueness this special permit provides more than justifies the usefulness of the garage. Anything else that goes in there after Mr. Fudge sells the house will need to come before the board.

Chairman French asked if this could come down in size? Mr. Fudge stated he could. Chairman French asked him to work on a smaller structure because we are not voting on this tonight. Mr. Fudge will. He will come back before the board for when they vote.

Motion made to table public hearing (keep open) and table public hearing by Mr. Crucetti and seconded by Mr. Dalmata. All in favor.

Application 20-16, for the area of Joshua Wainman, Wainschaf Associates, Inc., 589 3rd Ave. Ext., Rensselaer, NY 12144, for relief from minimum setback requirements of 15 ft. for the purpose of allowing a monument sign 6 inches from the front property line, at the property located at 31 Jordan Road, Troy, NY 12180, in a BG district, having parcel ID#: 134.-1-4.1.

Erin Harbeck with Wainschaf Associates will be Face-timed in by Mr. Miner because he is not present.

The sign placement on the original site plan was a place marker but needs to be moved. They want to mimic the M&T bank sign to give it exposure and closer to the road per Mr. Harbeck. First NY Credit Union. He stated they want the sign visible to Rt. 4. Chairman French stated the sign placement is at the property angle. 10 feet from lawn to drive thru. Sign is 6 feet per Mr. Harbeck but they want to landscape around it.

Mr. Miner stated there is no sign on Rt. 4 that complies to the signage guidelines. Mr. Harbeck stated it is a very unique property line.

Chairman French asked if he spoke to the DOT engineer? He has not. They are proposing to be 6 inches from DOT property per Chairman French and would like DOT to comment or have some input. He asked if Mr. Harbeck can get a letter from DOT before they reconvene. Mr. Harbeck will do that.

Chairman French read the one public comment from Andy Mair: Concern is that a prior sign request and concern is that it would be a distraction and dangerous to traffic on Rt. 4. Motorist safety. Also noted it is a 97% variance and exceeds to 50% rule.

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Motion made to keep public hearing opened and table until the board can act by Ms. Germinerio and seconded by Mr. Ewing.

Application 20-17, for the area variance request of Rensselaer County; Emergency Services Training Complex (c/o Jim Gordon), 1600 7th Avenue, Troy, NY 12180, for relief from maximum lot coverage requirements of 10% for the purpose of allowing 30% lot coverage; and for relief from maximum height restrictions of two stories for the purpose of allowing a 3 story structure; and for relief from parking setback requirements of 50 ft., for the purpose of allowing parking within 8 ft. of the side property line, at the property located at 25 Macha Lane, Wynantskill, NY 12198, in an AR district, having parcel ID# 124.-6-3.

Jay Wilson explained the variances needed. This was before the Planning Board last month. Chairman French stated the county is not allowed to come before this board to seek permission. They have chosen to come before the board anyway and the board appreciates this. Matt Fuller is the engineer the county hired as well and is present.

Mr. Wilson said DEC reviewed the site prior to demolition to view it. The old site has been demolished. A new facility will be built. Mr. Wilson provided the plans to the board and explained how it will be built and look. A new 6 x 24 foot 3 story training bldg. Classrooms will be in the new building with cameras to record training so it can be done at home as well as on site. Also county vehicles will be stored in there. Another structure will be used for fire tactics. The training building will have digital fires as well as combustibles. Mr. Wilson also showed the board drawings of the proposed training tower. He explained why they need the three stories. Law Enforcement will use it to propel training. A propane car fire simulator will be used instead of regular old cars for training. He also stated all county emergency services will use this new facility. There will be a SCBA fill site there as well.

Mr. Wilson stated they have had to travel to other county training facilities to conduct training since this building was closed.

Chairman French asked Mr. Wilson to show the parking perimeters. Mr. Miner stated the adjacent property is wetlands. They are requesting 42 spaces so people will not have to park on the street as they did before. The plan is also to have a county EOC dispatch center.

The board as a whole feels the public and emergency services needs this new facility. Mr. Ewing asked about the general outside lighting and Mr. Wilson stated it will be facing down. PB has a public hearing scheduled the end of August.

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Mr. Miner stated this all is a great improvement. Chairman French read one public comment received: Andy Mair: read into record-lot coverage concern and parking concern. Chairman French explained why more parking is needed and why the lot coverage is what it is. Mr. Mair also pointed out that this surrounds two residential neighborhoods. Chairman French and Mr. Dalmata stated there were never any noise concerns. Fumes will be reduced with digital fires and water runoff will now be repurposed. All this has been mitigated per Chairman French. Motion made to table and to keep public hearing opened by Mr. Dalmata and seconded by Mr. Ewing.

A follow-up meeting is scheduled on August 19th at 6:30 due to technical difficulties.

Motion made to approve the following minutes:

June 10, 2020: Motion made by Mr. Dalmata and seconded by Ms. Germinerio

June 24, 2020 special meeting: Motion made by Chairman French and seconded by Mr. Crucetti

July 8, 2020: Motion made by Ms. Germinerio and seconded by Mr. Dalmata.

Motion made to adjourn at 8:20pm by Mr. Crucetti and seconded by Mr. Dalmata.

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

BY ORDER OF THE PLANNING BOARD DATED: July 30, 2020, Richard French, ZONING BOARD OF APPEALS, NORTH GREENBUSH.

ZONING BOARD OF APPEALS
Town of North Greenbush
2 Douglas Street
Wynantskill, NY 12198
Meeting Minutes
August 19, 2020
(Additional August Meeting)

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of North Greenbush will hold public hearings on Wednesday, August 19, 2020 for the following applications at the Town Offices, 2 Douglas Street, Wynantskill, NY, beginning at 6:30 P.M.

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Attendance:

Attendance: John Dalmata, Richard French (Chairman), Leanne Hanlon (Secretary), Michael Miner (Building Department), Robert Ewing-absent, 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 and what this board does.

Due to technical difficulties at the August 12th meeting, the meeting was taped and no voting on applications occurred at that meeting so people can watch the video and make comment.

New Business:

Application 20-14, for the special permit request of Kristen & Ken McGivern, 510 Church Street, for the purpose of having chickens, at the property located at 510 Church Street, Wynantskill, NY 12198, in a H (Hamlet) district, having parcel ID#: 124.6-3-7.

No Public comments and county, no major impact and local consideration shall prevail per Mr. Miner. Conditions: Coop enclosure, enclosed feed, waste disposal plan, limited to 6 chickens, no rooster, no free range.

Type II SEQRA

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

Application 20-15, for area variance request of George W. Fudge, Jr., 4280 NY Route 43, Rensselaer, NY 12144, for relief from maximum cumulative square footage of accessory buildings of 1600 sf., for the purpose of allowing a 1200 SF accessory building in addition to an existing 2400 sf. accessory building, allowing a total cumulative square footage of 3600 sf., at the property located at 4280 NY Route 43, Rensselaer, NY 12144, in an AR district, having parcel ID#: 145.-10-7.32.

Mr. Fudge sent an email and tried to make the plan smaller.
He showed the board a pic of the quads and other items he will be storing in the new building. However, the items cannot be located in the other building in the winter. He would like the board to vote on the larger building. He was originally asking for 30x40.
Chairman French stated he did drive back there and the size is now not an issue because no one can see it.

Public Hearing Opened:

All comments were read last week

No additional comments tonight per Mr. Miner.

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

Chairman French and the board agreed that the larger size he originally asked for does not make a difference when viewing. The board feels the size is good.

County: No major impact local consideration shall prevail per Mr. Miner.

Public hearing closed.

Type II SEQRA

Undesirable change: No

Benefits sought by applicant: No

Substantial: Given the 50% rule yes however given the fact that it is going on 2.5 acres no with setback mitigations

Adverse affect: No

Self created: Yes but not preclude

Conditions: Setback from property lines will be 30 feet, finish will match house and property, roof drainage maintained on sight, no plumbing,

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

Roll call vote: Dalmata, French, Crucetti, Germinerio.

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Application 20-16, for the area of Joshua Wainman, Wainschaf Associates, Inc., 589 3rd Ave. Ext., Rensselaer, NY 12144, for relief from minimum setback requirements of 15 ft. for the purpose of allowing a monument sign 6 inches from the front property line, at the property located at 31 Jordan Road, Troy, NY 12180, in a BG district, having parcel ID#: 134.-1-4.1.

Erin Harbeck from Wainschaf spoke and stated they had a conversation from DOT regarding this about setbacks but he does not have it tonight it will be a few weeks.

Chairman French asked what that stake was and Mr. Miner stated it is the front property line corner and is farther back from the pavement from the M&T sign. There proposed sign will be 6 inches behind the stake.

Public Hearing opened:

Additional comment from Andrew Mair was read for the record.

Chairman French stated he spoke to DOT but without specifics and they said if its not on DOT property they have no concern.

Given the unusual position of the property line Mr. Dalmata stated this is far enough off the road. The width of the sign is 5 feet per Erin and there will be landscaping around the sign. Mr. Miner stated when the bldg. was approved there was a condition to put arborvitae along the side where the historic building is next door and he would like them installed before the building permit for the sign to satisfy the site plan.

County: local consideration shall prevail per Mr. Miner.

Undesirable change: No

Benefits sought by applicant: No

Substantial: No given the placement of the property

Adverse affect: No with mitigation of arborvitae

Self created: Yes but not preclude

Unlisted action

All SEQRA questions were asked and answered by the board.

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

Roll call vote: Dalmata, French, Crucetti, Germinerio.

Conditions: row of arborvitae along the east property line as approved in the site plan,

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

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Motion made to approve with the above condition by Mr. Dalmata and seconded by Mr. Crucetti.

Roll call vote: Dalmata, French, Crucetti, Germinerio.

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County was not present.

There was one additional comment this evening that was read from Andrew Mair that was read in the record. Chairman French explained the waste water management system. The runoff and water collection system was discussed by Jay Wilson last week at the meeting.

Public Hearing opened:

No one speaking except the written comment.

County: Local consideration shall prevail per Mr. Miner.

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

Undesirable change: No

Benefits sought by applicant: No

Substantial: No

Adverse affect: No

Self created: Yes but not preclude

Chairman French asked counsel if we needed to do SEQRA and counsel stated no.

Motion made to approve by Mr. Dalmata and seconded by Mr. Crucetti.

Roll call vote: Dalmata, French, Crucetti, Germinerio.

Motion made to adjourn at 7:35pm by Mr. Crucetti and seconded by Mr. Dalmata.

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