

ZONING BOARD OF APPEALS
Town of North Greenbush
2 Douglas Street
Wynantskill, NY 12198
Meeting Minutes
June 9, 2021

Town Hall will be open as of June 1, 2021 and meetings will now be in-person.

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.

Old Business: None

New Business:

Application 21-20, for the area variance request Stacey Cahill, 7 Kimberly Circle, Troy, NY 12180, for relief from fence height restrictions of 4 ft. in a front yard, for the purpose of allowing a 6 ft. fence in a front yard, for the purpose of enclosing a swimming pool, at the property located at 7 Kimberly Circle, Troy, NY 12180, in an R1 district, having parcel ID#: 123.7-2-7.71.

This was tabled last month because no quorum.

She would like to enclose a pool in her front yard (which is actually a side yard per Ms. Cahill) and is requesting a 6 foot fence. It would come out from the chain link on 3 sides and have an opening for the tractor to get through.

Per Mr. Miner there is no line of sight issues. He look at the site.

She is not extending up to the roadway, she just wants to put it out a few feet from the pool. This is for privacy around the chain link fence.

Public Hearing Opened:

No one wishing to speak.

Motion made to close public hearing by Mr. Ewing and seconded by Mr. Dalmata. All in favor.

County per Mr. Miner: Local consideration shall prevail.

No other correspondence.

Undesirable change: No

Benefits sought by applicant: No

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Substantial: No – only 2 feet more
Adverse affect: No
Self created: Yes but does not preclude

Single family home
Type II SEQRA

Condition: No closer than 10 feet from front property line

Motion made to approve with above condition by Mr. Ewing and seconded by Mr. Dalmata.
Roll call vote: Dalmata, French, Germinerio, Ewing-all in favor.
Crucetti – recused

Application 21-23, for the area variance of Jeffrey Handford, 137 Mountainview Terrace, Rensselaer, NY 12144, for relief from 20 ft. setbacks, for the purpose of installing an above ground swimming pool 10 ft. from the right side property line, at the property located at 137 Mountainview Terrace, Rensselaer, NY 12144, in an R1 district, having parcel ID#: 134.18-4-3.

He would like to install a swimming pool but cannot put it over the septic. Chairman French asked about flush water and Mr. Handford will run it on the opposite side of his house by the empty lot.

Public Hearing Opened:

No one wishing to speak.

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

County: Local consideration shall prevail per Mr. Miner.

Undesirable change: No
Benefits sought by applicant: No
Substantial: No -50%
Adverse affect: No
Self created: Yes but does not preclude

Type II SEQRA

Conditions: Flush not impact neighboring property.

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

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

Application 21-24, for the area variance request of Anirban Ghosh, 85 Haywood Lane, Rensselaer, NY 12144, for relief from restrictions prohibiting a fence in a front yard with a height greater than 4 ft. for the purpose of allowing a 6 ft. fence in a front yard, at the property located at 85 Haywood Lane, Rensselaer, NY 12144, in an R1 district, having parcel ID#: 134.3-1-54.

Mr. Miner showed the board the details on the map revision clarification. Mr. Miner met him on sight. Mr. Ghosh explained what he would like to do. He would like to put up a 6 foot fence for safety for child and privacy. He is on a corner lot and because of that he has two front yards. The fence will be white vinyl with one 5 foot gate. It is set far enough back per Chairman French to avoid a visibility issue.

Public Hearing Opened:

No one wishing to speak.

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

County: comment has been addresses regarding line of sight and it will be per Mr. Miner

Undesirable change: No

Benefits sought by applicant: No

Substantial: No

Adverse affect: No

Self created: Yes but does not preclude

Type II SEQRA

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

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

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Application 21-25, for the area variance request of John & Terry Degen, 1714 Hampton Place, Troy, NY 12180, for relief from minimum width at setback requirements of 110 ft. for the purpose of allowing the construction of a single family home on a lot having 105 ft. width at setback, at the property located at 24 Crescent Terrace, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 124.9-4-2.2.

Chairman French stated they did not see a plot plan. Mr. Miner and Mr. Degan explained the application. It is a vacant lot for a while. The lot is 105 feet set back and all the other setbacks he has met. The lot was created at 105 feet instead of the 110 feet. The plan is a single family home for her and his wife.

Public Hearing Opened:

Lyle Houston lives on the corner on Whiteview and Walnut and their property is next to theirs. They are concerned because of the narrowness and because the property is at a higher grade it will be looking down at their back yard. He appreciates having the corner lot and the privacy. Chairman French stated the home will have sewer and water. John ? (Lyle) asked about water run off.

Mr. Miner showed the board an overhead view of the property and other homes bordering it.

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

Applicant will clear all the brush but plans to re-landscape with suitable products.

Per Mr. Miner County: local consideration shall prevail.

Mr. Miner stated Mr. Degen will be installing screens and storm water management systems and he is licensed in that.

Undesirable change: No-erosion and sediment control are stated code per Chairman French.

Benefits sought by applicant: No

Substantial: No

Adverse affect: No

Self created: Yes but does not preclude

Type II SEQRA

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

Roll Call Vote: Dalmata, Crucetti, French, Germinerio, Ewing. All in favor.

Interpretation Code Request: The determination of the allowed use of a craft vendor business at 700 Bloomingrove drive, Rensselaer, NY 12144

The BD makes a determination based on code per Chairman French. Andrew Mair requested the interpretation.

The ZB does not have an application in front of them The PB does. Chairman French read the code for that district.

Andy Mair is asking if it needs a use variance because it is not an allowed use. Mr. Miner determined no but Mr. Mair is asking for a formal interpretation.

Mr. Mair is asking for his email of May 20th to be his application. Chairman French read that email to the board. Mr. Mair fees this is not an allowed use. Refer to Mr. Mair's email.

Al Kolakowski stated this is a unilateral decision and the applicant should be present.

Is a craft fair in a BN district an allowed use? Mr. Miner stated Yes. Mr. Mair is questioning the determination.

Mr. Miner explained why he made that determination. Ground floor and ground level are similar in nature. He said there are businesses in town that sell items inside and outside on the ground and we have always considered that acceptable. It is outdoor sales that other businesses do and historically allowed. Retail sales are allowed on the ground floor. The code was not intended to prevent outdoor sales.

Mr. Dalmata stated the code is just a general list of allowed and you cannot list every business. Mr. Mair stated he was under the impression the applicants would be hear.

Chairman French agrees with Mr. Miner interpretation that ground floor is ground floor.

Mr. Miner showed historically what the town has done with outdoor sales and that added to his interpretation. Chairman French does not want to see interpretations used as a tool to force people to get a use variance.

Mr. Mair stated his points that were also given in written form.

He also stated these "ground level" things have a building associated with it. But Mr. Miner stated we have other things in town that have outdoor sales without a building. He said the fireworks tents is a good example.

Motion made to upholding the BD decision interpretation that it is an allowed use by Mr. Dalmata and seconded by Mr. Crucetti.

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

Motion made to approve May 2021 Meeting Minutes by Mr. Ewing and seconded by Mr. Crucetti. All in favor.
Germinerio and Dalmata abstained.

Motion mad to adjourn at 7:50pm by Mr. Crucetti and seconded by Mr. Ewing.

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