

ZONING BOARD OF APPEALS
Town of North Greenbush
2 Douglas Street, Wynantskill, NY 12198
Meeting Minutes
April 20, 2022

Attendance: Richard French (Chairman), Leanne Hanlon (Secretary), Michael Miner (Building Department), Tony Crucetti, 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.

Chairman French explained that the notices on the properties for tonight's meeting were taken down too early in error. Therefore, the Board cannot act on any of the applications this evening but they will be heard by the board. Action will be taken on the May 11th meeting for these applications.

New Business:

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 spoke about his application. They would like to install an above ground pool although they have a small backyard. They would like to put the pool in the corner of the yard out of the way of the children and dog. He also provided a plot plan for the board to review. The pool and yard are fully enclosed. He spoke to one of his neighbors and Chairman French suggested he speak to the neighbor at 3 before the next meeting. The flush water will be directed toward the creek in the rear as suggested by the board. The BD will direct what is needed by code per Chairman French. There will also be a removable ladder.

Public Hearing Opened:

No one wishing to speak.

Motion made to adjourn Public Hearing by Ms. Germinerio and seconded by Mr. Crucetti.

Chairmen French noted that the applicant did not provide any abutters to his property so the board will know and he should also speak with them before the next meeting.

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Mr. Waldron stated that he was hoping for a decision this evening because of the electrical being installed and started. Chairman French noted that he can have his electrical contractor take a look and start the work. The board sees no issue.

Motion made to adjourn application until May 11 by Mr. Masone and seconded by Mr. Crucetti. 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.

Ms. Beirne spoke about the application. Chairman French noted she provided a detailed plan for the board to review. She would be abutting the HA greenspace per Chairman French. The only issue is the 8 feet instead of 20 feet in the rear. She noted the contractor is ready to go. Chairman French noted that we cannot take any action on this tonight. Chairman French noted Bill Miller can give her informal guidance to move forward before the next meeting and then get formal approval May 11th. Ms. Beirne noted she has receive HOA approval already.

Public Hearing Opened:

Bill Stewart, 1302 Anthony-around the corner. He feels this fits nicely in the area and that there will probably be more homeowners coming for the same thing in the future.

Motion made to adjourn public hearing until May 11 by Mr. Masone and seconded by Mr. Crucetti.

Mr. DeJulio asked her to provide the email of approval from the HOA at the next meeting for the record.

Motion made to adjourn application until May 11 by Mr. Masone and seconded by Mr. Crucetti. 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.

Ms. Krupski spoke about her application. The fence will be to enclose the dogs and for privacy. They will not disrupt the telephone pole there and provide as much visibility as

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possible. She showed the board where the property line is on the plot plan. Chairman French suggested she consider that the highway superintendent take a look at this with her. The plan is 8 feet back from the home, 2 feet from pole, edge of payment. Chairman French stated she needs to show the property line and BD and Highway look at it.

Public Hearing Opened:

No one wishing to speak.

Motion made to adjourn public hearing until May 11th by

Motion made to adjourn application until May 11 by Ms. Germinerio and seconded by Mr. Crucetti. All in favor.

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.

Chairman French noted that since the last meeting there have been several correspondence regarding this application. He read Mr. Lawrence Howard comment for the record. He is representing the applicant. Mr. Howard feels all the variances need to be weighed by whether they outweigh the benefit to the applicant.

The rear yard setback sounds like a large variance however, because of the placement of the building it is only 9 feet at one point. The remaining is 35 feet. The other significant variance is the impact it creates. This larger footprint does not have a significant impact on the neighborhood or the community. There are no homes (1) left in the area and are no feasible options for the applicant to achieve this and would like the board to consider this.

Chairman French stated the board has discussed the work substantial before. They have appointed a very arbitrary number of 50% or more to be substantial. If it is more than 50% the board needs to take a really hard look at it. Chairman French noted that that does not mean anything over the 50% rule has not been approved but well documented and well justified.

The board understands nothing else can be built here including the paper street. Chairman French asked why they need 30,000 square feet for this other building. Mr. Howard stated this will be a gym with basketball courts, pools etc. They are trying to engineer it as well to put places on the second floor. Mr. Howard feels there is no detriment to have this at 30,000 square feet.

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Chairman French noted that when the law was written there were no BG projects his size. He noted they have taken multiple parcels and put them together to make one big one which needs to be noted.

Mr. Rento explained the sizes of pools that are in these gyms. This would be a three lane pool. Also, because there is a town paper road behind the project he feels there is no issue and no detriment. Mr. Howard explained the shared parking on the entire lot and the peak demand for each storefront will be different.

Public Hearing Opened:

One Public comment was read into the record (Andrew Mair) noted that it is substantial because it is over the 50% standard. Mr. Howard explained that the buildings they are building will not increase the storm water runoff as suggested in Mr. Mair's comments.

Chairman French stated that he has walked that site many times and is very comfortable with this plan. He did suggest a walking path on the site because of the large apartment complex behind the site. He said we cannot as a board ask for that but made the suggestion. Mr. Howard stated he believes there is already one there.

Mr. Rento noted that if they acquire that one parcel that was not original acquired they will use it solely for parking. Motion made to adjourn public hearing until the 11th by Mr. Crucetti and Ms. Germinerio. All in favor.

Motion made to adjourn the application until May 11 by Mr. Crucetti and Mr. Masone. 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.

There is no one present for this application.

The application will be adjourned until May 11th by motion of Mr. Crucetti and seconded by Mr. DeJulio. All in favor.

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

Motion made to adjourn at 7:45pm by Ms. Germinerio and seconded by Mr. DeJulio.

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.