

**ZONING BOARD OF APPEALS**  
**Town of North Greenbush**  
**2 Douglas Street, Wynantskill, NY 12198**  
**Meeting Minutes**  
**August 10, 2022**

**Attendance: Richard French (Chairman), Leanne Hanlon (Secretary), Michael Miner (Building Department)-absent, Bill Miller (Building Department), Eric Westfall (Building Department), Tony Crucetti, Louise Germinerio-absent, 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 area variance rules and what this board does.

**Public Hearings:**

**Application 22-21, for the area variance request of Josh & Jennifer Ratigan, 9 Francis Drive, Wynantskill, NY 12198, for relief from setback requirements of 20 ft. for the purpose of installing an above ground swimming pool 15 ft. from the side property line, at the property located at 9 Francis Drive, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 135.13-10-13.**

Jennifer Ratigan spoke about the application. She stated her last name was not spelled correctly on the notice. It was spelled with a T instead of a D. Put the pool off the existing deck and when measured it and the deck foundation structure was most stable at this location as well as ground stability. She stated there is only a small piece of the pool that is out of the 20 feet requirement. Mr. DeJulio asked where she would drain the pool and it will be drained within her yard out the back per Ms. Ratigan. Chairman French stated he saw a small structure at the left rear of the home. She stated it is an existing shed w/ a clubhouse attached.

Public Hearing Opened:

No one wishing to speak. No written correspondence per Chairman French.

Motion made to close public hearing by Mr. Masone and seconded by Mr. Crucetti. All in favor.

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

Type 2 SEQRA

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Conditions: Drainage needs to be out the back into her rear yard.

Motion made to approve with above condition by Mr. Masone and seconded by Mr. Crucetti.  
Roll Call Vote: Masone, Crucetti, French, DeJulio. All in favor.

**Application 22-22, for the area variance request of Ron Durivage, 14 Glenwood Road, Troy, NY 12180, for relief from setback requirements of 20 ft. for the purpose of installing an above ground swimming pool 12 ft. from the back property line, at the property located at 14 Glenwood Road, Troy, NY 12180, an R1 district, having parcel ID#: 123.-1-3.2.**

Mr. Durivage explained his application. 24 foot round above ground pool that would be 12 feet from property line at the back center of the yard. The drainage will be on the south side of the property.

Public Hearing Opened:

No one wishing to speak. No written correspondence per Chairman French.

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

Type 2 SEQRA

Conditions: Drainage needs to be into the Southside of the yard at the downhill slope.

Motion made to approve with above condition by Mr. Masone and seconded by Mr. DeJulio.  
Roll Call Vote: Masone, Crucetti, French, DeJulio. All in favor.

**Application 22-23, for the area variance requests of Insite Northeast, 2301 Western Avenue, Guilderland, NY (The Meadows) for relief from front setback requirements of 30 ft for the purpose of allowing a front setback of 10 ft. for the following addresses: 401-402, 601-602, 801-802 Casale Court of the Meadows Subdivision in a PDD district, having parcel ID#'s: 122.12-2-32, 122.12-2-31, 122.12-2-30, 122.12-2-29, 122.12-2-28, 122.12-2-27.**

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Mr. Michael Groff of Insite spoke regarding the application. He provided a map for the board to review. The 3 lots in question have property that drops off in the rear so they would like to move them forward. This would be a 10 foot setback from 30. Chairman is concerned about the shorter driveway. Mr. Groff stated 15 feet setback variance would work if the board would consider that. The retaining wall is at least 25 feet behind the homes but Mr. Groff stated it may require the wall to not be that high. The board agrees they will vote on a 15 foot setback

Public Hearing Opened:

No one wishing to speak. No written correspondence per Chairman French.

Motion made to close public hearing by Mr. DeJulio and seconded by Mr. Crucetti. All in favor.

Undesirable change: No

Benefits sought by applicant: No.

Substantial: No – it is now 15 feet

Adverse affect: No

Self created: Yes, but does not preclude

Conditions: 15 feet not 10 feet.

Motion made to approve with condition above by Mr. Crucetti and seconded by Mr. DeJulio  
Roll Call Vote: Masone, Crucetti, French, DeJulio. All in favor.

**Application 22-18, for the use and area variance requests of Marcy Pavone, 51 Lakeshore Drive, Wynantskill, NY for the purpose allowing the use of covered parking and storage at the property located at the corner of Pershing Ave and Haig Ave on the parcel having parcel ID # 135.10-9-7 in an R1 District as an extension of the property located 51 Lakeshore Drive (single family home).**

Marcy Pavone spoke about her application and was before the board last month.

Mr. Pavone (son) had started to work on the property at the request of the board last month but was in a car accident on the 24<sup>th</sup> of July which has delayed him completing it but the board is understanding of this. Mr. Pavone knows there is still more to clean up and will when he is better.

Chairman stated the board is in a difficult position because it is a use and area variance and is a separate lot by tax #. It is not an accessory building because it is not accessory to anything and no primary building next to it per Chairman French. What can we let them do on that lot that is not intrusive to neighbors and will work for them?

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Public Hearing Opened:

No one wishing to speak. One written correspondence per Chairman French that was read into the record and was favorable to the application.

Motion made to close public hearing by Mr. DeJulio and seconded by Mr. Crucetti. All in favor.

Mr. DeJulio is impressed with the work that has been done since the last meeting as well as since they acquired the property.

County: Local consideration shall prevail.

Mr. DeJulio stated that it is advised to leave it as it is now since the clean up has begun and will continue once Mr. Pavone is able and better.

Undesirable change: No

Benefits sought by applicant: No.

Substantial: No

Adverse affect: No

Self created: No

All other SEQRA use questions were asked and answered by the board.  
Type 2 SEQRA.

Conditions: 2 open framed metal car ports, limit number of quads (ATV's) to 3, finish clean up of the left side to BD satisfaction.

Motion made to approve with conditions above by Mr. Crucetti and seconded by Mr. DeJulio  
Roll Call Vote: Masone, Crucetti, French, DeJulio. All in favor.

Motion made to approve July 2022 meeting minutes by Mr. Crucetti and seconded by Mr. Masone. All in favor.

Motion made to adjourn at 7:20pm by Mr. DeJulio and seconded by Mr. Crucetti.

**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](mailto:building@townofng.com) . Please see the Zoning Board page on the Town's website to view applications.**