

ZONING BOARD OF APPEALS
Town of North Greenbush
2 Douglas Street, Wynantskill, NY 12198
Meeting Minutes
March 8, 2023

Attendance: Richard French (Chairman), Leanne Hanlon (Secretary), Tony Crucetti, Louise Germinerio-absent, Michael Masone, Greg DeJulio, Eric Cioffi-Building Department, 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, use variances and how the board operates.

New Business:

Application 23-04, for the special permit request of Herbert Bahrmann, 59 Streamview Lane, Wynantskill, NY 12198, for the purpose of raising chickens, at the property located at 59 Streamview Lane, Wynantskill NY 12198, in an R3 district, having parcel ID#: 124.10-16-7.

Mr. Bahrmann spoke about the application. He would like to have chickens for the eggs and to get rid of bugs on his lawn to stop them from ruining the grass. His lot is a strange shape with keyhole lot. He has 2.2 acres. It would be 50 feet from the property line. He will have a 15 foot chicken run enclosed with RVC piping. Mobile chicken coup on a trailer so he can move them around the yard.

Public Hearing opened:

Written comment received that Chairmen read into the record.

Jocelyn, 64 Streamview (wrote the letter above). Concerns about property value, how many, noise, she has a bird phobia. She is concerned they will be running around.

Chairman French stated the town has not received any complaints from people for any of the chickens they approved. He also explained what the town requires for conditions.

Joan McLoughlin, 70 Streamview Lane: She noted she has a dog park next to her house and does not smell that and does not want to smell the chickens.

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

County: Local consideration shall prevail.

**Zoning Board
Meeting Minutes
March 8, 2023
Page 2**

Conditions: No Roosters, covered all four sides for coop and dug into the ground, no more than 6 chickens, feed in a rodent proof container with appropriate lid, written plan for waste to be disposed via composted, no free ranging, rear yard placement no more than 15 feet from adjacent property lines.

Chairman French stated the coop is not allowed in the front yard including the run. Sides and rear only. Mr. Bahrmann stated the rear of the property is wet. He is allowed to move the run then bring it to the rear at night.

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

Application 23-05, for the area variance request of Andrew and Katie Ko, 41 Haywood Lane, Rensselaer, NY 12144, for relief from fence height restrictions on a corner lot, for the purpose of allowing a 6 ft. fence in the side yard, at the property located at 41 Haywood Lane, Rensselaer, NY 12144, in an R1 district, having parcel ID#: 134.3-1-21.

Mr. Ko spoke about the application. He lives on a corner lot and has two front yards. He has a small child and is concerned about traffic and this fence would be for that. He will not put the fence on the actual property line. There will be a gate to get in and out. The other side is the neighbor who has a fence and will hook into that one on the other side.

Public Hearing Opened:

No one wishing to speak.

Motion made to close Public Hearing by Mr. Masone and seconded by Mr. Crucetti. All in favor.

County: Local consideration shall prevail.

No written correspondence.

Chairman noted the home across the street was approve for a similar request.

Undesirable change: No

Benefits sought by applicant: No

Substantial: No

Adverse affect: No

Self created: Yes but does not preclude

Type 2 SEQRA

**Zoning Board
Meeting Minutes
March 8, 2023
Page 3**

Motion made to approve as requested by Mr. Masone and seconded by Mr. Crucetti.
Roll call vote: Masone, Crucetti, French, DeJulio. All in favor

Application 23-06, for the area variance request of Stephanie A. Henry, 3 Maryland Ave, Rensselaer, NY 12144, for relief from the rear setback requirements of 20 ft, for the purpose of installing an above ground swimming pool, 6 ft. from the rear property line, at the property located at 3 Maryland Avenue, Rensselaer, NY 12144, in an R1 district, having parcel ID#: 144.26-6-6.

Ms. Henry spoke about the application. Last year she had a foundation failure causing the back yard to be a mud pit. A pool and a deck would help with this. They will move the screen in porch back. The deck will be 12 feet and the pool 18. It is not immediately in the rear of the neighboring properties.

36 feet is from the house to the fence leaving 6 feet. They took the existing deck off the back when they moved in.

Mr. DeJulio asked where the runoff would go. She stated it goes down through the valley into the hollow. The back wash will go right onto her property into her own side yard.

Public Hearing opened:

No one wishing to speak.

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

County: Local consideration shall prevail

No written correspondence,

Conditions: Back wash needs to go into their side yard.

Undesirable change: No

Benefits sought by applicant: No

Substantial: No

Adverse affect: No because the condition mitigates

Self created: Yes but does not preclude

Type 2 SEQRA

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

**Zoning Board
Meeting Minutes
March 8, 2023
Page 4**

Application 23-07, for the area variance of Chris Constantine, 462 Main Ave, Wynantskill, NY 12198, for relief from front (25 ft.), side (20 ft.) and rear (35 ft.) setback requirements, for the purpose of allowing a new 2,520 sq. ft. commercial building 10 ft. from the front property line, 12 ft. from the side property line and 24 ft. from the rear property line, at the property located at 425 Main Avenue, Wynantskill, NY 12198, in a H (Hamlet) district, having parcel ID#: 124.10-3-14.

Mr. Constantine spoke about the application. He would like to invest in the land further by placing and building there. Parcel will be long and thin. He gave the board photos of the property. He provided a plot plan for the board. He has no one lined up to move into the building. He also made improvements to the property. Trees were also cleaned up. There is a small creek in the rear of the property. This has not been brought before the planning board and will need to per Chairman French.

He will not go before the planning board until he has a renter who wants a specific building.

Public Hearing opened:

Wayne Stritsman, 424 Main Avenue: He stated Chris has done a great job cleaning the property up. He is not opposed to the application.

Chairman French stated what is being proposed is fairly consistent with the town envisioned as part of a Hamlet.

Motion made to close the Public Hearing by Mr. Masone and seconded by Mr. DeJulio. 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

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

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

**Zoning Board
Meeting Minutes
March 8, 2023
Page 5**

Application 23-08, for the area variance of Brian Foust, 8 Avery St, Saratoga, NY 12866, for relief from width at setback requirements of 110 ft, for the purpose of constructing single family dwellings with proposed width at setbacks being 99.48 ft and 99.49 ft, at the property located at 60 Bloomingrove Drive, Troy, NY 12180, in an R1 district, having parcel ID#: 123.00-1-15.

Mr. Foust explained the application. Dan Peters spoke also.

He has been before PB. The public hearing for PB is this month. They sub divided the property creating to new lots. There is a driveway coming off Bloomingrove with a right away. The two lots are on Catherine Street. Mr. Peters provided the board with a larger map to view.

There is an existing shed on lot 3. There will be two driveways on Catherine Street.

Public Hearing opened:

Peter Kowalchek, 56 Bloomingrove Drive: his property borders on both sides. He said before his driveway and front yard were damaged from something years back. He had to do the cleanup. If the driveway is on Catherine he will not be affected.

Brian Kowlachek, 52 Bloomingrove Drive: He spoke about the driveway right away and it has been there for a long time.

Joe Mazaway, 11 Catherine Street: asked if Catherine is a paper street. He is concerned about density. The neighbors fence is on Foust lot. Chairman said that is a civil matter and this board cannot do anything. Suggested Foust sell 50 feet on that land. Mr. Foust stated he has no plans to remove that fence.

Chairman French stated that is Mr. Foust sells 15 feet to the neighbor who is encroaching that would make his property (lot) narrower. He could make one lot a flag lot and not have any issues per Chairman French. There would be a shared driveway for Lot 3 and 1 then. This will give the applicant time to make more feasible plans. He could reconfigure this to where he would not have to come back before the board.

Motion made to adjourn and table the public hearing by Mr. French and seconded by Mr. Masone. All in favor.

Dan stated there are existing utilities on Catherine which would affect reconfiguring. He also stated they went through a couple scenarios and easement discussion.

**Zoning Board
Meeting Minutes
March 8, 2023
Page 6**

He needs to explore the options discussed tonight and with Eric Cioffi and come back before the board per Chairman French.

County: local consideration shall prevail.

Motion made to table application by Mr. Masone and seconded by Mr. DeJulio. All in favor.

Eric Cioffi stated the wash boss is requesting to rebrand and be called Splash and wanting a new sign.

Motion made to adjourn at 8:00pm by Mr. Crucetti and seconded by Mr. DeJulio. All in favor.

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.**