Application #10-010, the area variance request of David Wagner, 23 Smith Court, Wynantskill, NY, from relief from rear setback requirements of 35 feet for the purpose of constructing an addition to a single family home 20 feet from the rear property line at 17 St. Joseph’s Court (parcel ID# 135.14-3-3) in an AR district.

A paper street exists near Mr. Wagner’s property. Mr. Miner explained a portion of the application and it was discovered there was a paper road and a new survey that was completed. It was also discovered that a portion of the new home is in the paper road. Mr. Miner also spoke to the town clerk about obtaining a portion of the paper road but a portion has already been turned over to a previous applicant. Mr. Miner showed the board a map of the parcels involved. Mr. Wagner then presented his application to the Board. A portion of the current residence has already been demolished by Mr. Wagner who purchased the property 2-3 months ago. Mr. Wagner will go through the town to obtain portions of the paper road. The building was vacant for some time before it was purchased and was in a great deal of disrepair.

Public Hearing opened: No one wishing to speak. Motion to close the Public hearing made by Mr. Mair and seconded by Mr. Wilson. All in favor. Motion carried.

County: No response yet per Mr. Miner.

Undesirable change: No
Can benefits be achieved by some other method: No
Substantial: No less than 50%.
Impact of physical or environmental conditions: No
Self created: No
Type II SEQRA Action – residential area variance.
Applicant will be connecting to public water and sewer already exists.
Conditions: None

Motion to approve as requested made by Mr. Wilson and seconded by Mr. Mair. Roll call vote: Mr. Mair, Mr. Wilson, Chairman French, all in favor. Motion carried.

Application #10-011, the area variance request of Scott Wasula, 50 Woodland Road, Troy, NY 12180 for relief from height restrictions of 35 feet, for the purpose of constructing a Windmill with a maximum height of 60 feet at the property located at 50 Woodland Road (parcel ID# 123.13-6-12) in an RS district.
Mr. Wasula presented his application and stated he is exploring the idea of installing a windmill on his property. He stated the area of his property is a windy area and is looking into one that is big enough to make a difference but not too big. Mr. Mair asked what he is looking to do with the power generated by the windmill and he stated he would like to use it for electricity for his existing home. Chairman French stated that he saw that if the windmill would fall it would land on RPI tech park property. If it would fall to the other side it would fall onto his property that he owns. Ms. Piel stated we can not base our decision on what he may or may not do in the future. Mr. Wasula stated in order to qualify for any tax breaks or NYSERTA breaks the windmill has to be constructed by a contractor. Mr. Wasula also stated that as far as engineering goes it will qualify for federal dollars. Height: it will not be higher than the current tree line on his property. If there is a 35 foot limit it would only be 25 feet higher than the limit. Mr. Wasula distributed some information regarding windmills. (Wind Energy Basics, Second Edition by Paul Gype). A letter was read that Mike Wacholder provided to the Board by Chairman French. Mr. Mair asked if this could be referred to the planning board given the issues in the letter from Mr. Wacholder. Mr. Miner stated that it could not because it was a height variance only. Mr. Wacholder opposes the application.

Public hearing opened:

Rodney Lavosi, 49 Woodland Road. He also looked into this option but stated it did not appear realistic. He stated this could cause wind turbine syndrome from the sound. People who live in close proximity could have headaches and he does not want his area to be the experimental area. He also noted that information he received showed it should not be within two miles of a residence. Noise is also a concern. Mr. Lavosi would like something from the county health department possibly stating these issues could not occur but Chairman French stated they are limited to certain things and this is not one of them. Chairman French suggested maybe something from the company who is building it provide information on the good and bad of these windmills. He said solar panels could be an option.

Motion to close the public hearing made by Mr. Mair and seconded by Mr. Wilson. All in favor, motion carried.

County: No information back yet from the county per Mr. Miner.

Chairman French would like to see the applicant select a vendor so this Board can get better information and also address some of the issues brought up by Mr. Lavosi. Also Chairman French wants to see exactly where the windmill will be placed and how high it will be. Chairman French also suggested possibly by placing a balloon up to the level of height to show how high on the property.

Mr. Mair stated he would like input from the town engineer. He also would like information from a professional regarding health concerns. He also has a concern as to whether this would be a Type II SEQRA action. Mr. Wasula stated that he is only in the exploring stages and if the Board provides him with a list of things he needs to do he will do that.
Mr. Wasula also suggested the board to go to Route 4 and look at the windmill currently there on Best Road. Mr. Wasula also contacted the Town of East Greenbush to see if there were any complaints on the one there and there has not been.

Chairman French listed what the board needs:
1. Engineering on the tower
2. Visual study on the height including where you can see if from and that will require where this will be installed on the property including setbacks.
3. Health aspects from the company that will install.
4. Site plan

Motion made by Mr. Mair to table the application until the next scheduled meeting including the public hearing so the applicant can provided the above to the board. Seconded by Mr. Wilson. All in favor. Motion carried.

**Application #10-012**, the area variance request of Scott Wasula, 50 Woodland Road, Troy, NY for relief from front and rear restrictions of 35 feet and for relief from requirements requiring direct access to a public road for the purpose of constructing a single family home 25 feet from the front and rear property lines with an access through an easement through the property located at 50 Woodland Road. The proposed single family residence would be located on the parcel behind 50 Woodland Road and 44 Woodland Road (parcel ID# 123.13-6-8) in an RS district.

Mr. Wasula presented his application which he noted is separate from the above application. His father recently transferred this property to him. He is exploring the above possibility. He has not provided any great detail on what he will do because he is asking what he can do with the property and would like to put a home on it.

Mr. Miner provided a tax map to show the exact location of the property in Mr. Wasula’s application.

There was a discussion on the way the land was divided by Mr. Miner and the board.

Public hearing opened:

Mr. Rodney Lavosi, 49 Woodland Road, asked where the proposed driveway would go and the board showed him on the map.

Another letter was read that was sent by Mr. Wacholder with concerns about and opposition to the application.

Mr. Miner stated that the planning board chairman asked about this application as well to see if the planning board would need get involved. Mr. Miner stated that only if this Board thinks the planning board needs to take a look and this application needs to be referred this board to the planning board by the same.

Motion to close public hearing made by Mr. Mair and seconded by Mr. Wilson. All in favor, motion carried.

Chairman French read from the code book, access road codes in reference to driveways. Chairman French asked if counsel was comfortable with easement access as opposed to a line movement to create a driveway. Ms. Piel stated yes because an easement is forever. Mr. Mair feels that this should be referred to the planning board for review. Chairman French stated that since there are only three board members present he does not feel comfortable even considering a vote on this application.
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Chairman French:
1. Refer to planning board to get their input.
2. Detail needed from applicant as to where the driveway will be from current home, and Rensselaer Technology Park property line and how wide the easement will be.

Motion made by Chairman French to table the application and refer the application to the planning board for input. The applicant was also instructed to provide the above. Seconded by Mr. Mair. All in favor. Motion carried.

Applicant also needs to produce a better map as to where exactly the home and driveway will be placed and the dimensions for the proposed house. The board would like to see some sort of frontage on the main road.

Application #10-013, the area variance request of Kevan Seiden, Jr., 121 California Avenue, Rensselaer, NY, for relief from minimum setbacks of 20 feet for the purpose of constructing a pool deck 8 foot, 3 inches from the right side property line at the property located at 121 California Avenue (parcel ID# 144.26-11-5) in an RS district.

Mr. Seiden presented an overhead map for the board to review to show both properties and explained his application. The deck he would like to build will be 16 x 24 feet. Mr. Seiden explained why he could not install the deck on certain other areas of the yard. Mr. Seiden also provided photos he took of his property as to where the deck would be. He feels no neighbors would be impacted and did discuss his application with several of them.

Mr. Mair asked Mr. Seiden why he could not cut off one foot and a quarter from the end of the deck. He explained why he could not do that.

Public hearing opened. No one wishing to speak.

Motion to close public hearing made by Mr. Mair and seconded by Mr. Wilson. All in favor, motion carried.

Undesirable change: No  
Benefit be achieve by some other method: No  
Substantial: No  
Impact of Physical or environmental conditions: No  
Self created: No  
Type II SEQRA – residential area variance.

Condition: The deck needs to be per the diagram provided. One year to complete.

Motion to approve with conditions above, made by Mr. Wilson and seconded by Mr. Mair.

Roll call vote: Mr. Mair, Mr. Wilson, Chairman French, all in favor. Motion carried.

OLD BUSINESS
Application #10-006, the area variance request of Clarence Seeley, 235 Lape Road, Rensselaer, NY 12144, for relief from restrictions prohibiting an accessory building from being located closer than 12 feet
to the primary residence, for the purpose of allowing an accessory building 7’ - 8” from the residence at 235 Lape Road in an AG/RU district (tax map# 134.-2-34.15).

Mr. Seeley presented his application to the board. He explained the only place he could put the shed. The shed is in place and is now not on any blocks as was stated last month. Applicant stated he will reside the entire shed to match the home. He stated that there are topography issues in other areas where he could put it but because of that he cannot relocate the shed.

A letter was read by Chairman French dated April 21st from Sharon Conway, 225 Lape Road. She opposes the application. The reason Mr. Seeley has not made an attempt to fix the shed is because he received a stop work order from the town until this can be resolved. Mr. Seeley moved this shed from another property.

Public hearing opened: No one wishing to speak.

Motion to close public hearing made by Mr. Wilson and seconded by Mr. Mair. All in favor, motion carried.

Motion made to table this application until next month until the board can view the property and the shed placement, made by Mr. Wilson and seconded by Mr. Mair. All in favor. Motion carried.

Application #10-009, the special permit request of Arthur D. Clement, 30 Billings Avenue, Troy, NY 12180, for the purpose of allowing a small engine repair/automotive repair shop in the existing garage located at 139 Main Avenue, Wynantskill, NY 12198 in a BG District (tax map# 124.5-4-20).

Mr. Clement distributed answers to the questions the board asked of him last month and the board reviewed same.

Per Mr. Clement there will be no major engine repair, no transmissions rebuilding. His counsel spoke to this board’s counsel prior to this meeting.

The conditions from the permit from DMV need to be seen by this board per Chairman French.

Mr. Miner asked for a complete site plan by the 20th of this month so there is time to send them to the planning board. Ms. Piel suggested that everyone on these boards can see what is going on in the building now.

Motion made by Chairman French to refer to planning board and seconded by Mr. Fiacco. All in favor, motion carried. This application has been referred to Planning Board.

Meeting Minutes: None will be reviewed at this meeting.

Motion to adjourn meeting at 9:46 pm made by Mr. Wilson and seconded Mr. Mair. All in favor. Motion carried.