

**ZONING BOARD OF APPEALS**  
**Town of North Greenbush**  
**2 Douglas Street**  
**Wynantskill, NY 12198**  
**Meeting Minutes**  
**June 10, 2020**

**IN ACCORDANCE WITH EXECUTIVE ORDER 202.1**

**NOTICE IS HEREBY GIVEN** that public hearings will be held before the Zoning Board of the Town of North Greenbush with respect to the following matter at the time and place set forth below:

**Time & Place: June 10, 2020 beginning at 6:30 pm**  
**VIA LIVE STREAM**

[www.townofng.com](http://www.townofng.com) (Click on the top banner that says: Watch Town Meetings, then click on the Zoning Board Meeting link)

Due to the current COVID-19 pandemic and Gov. Cuomo's executive order 202.1, at this time, the public is not able to participate in person during the hearing. All application materials are available for review on the Town's website. If you would like to make a comment on the applications, all comments must be submitted via e-mail to: [building@townofng.com](mailto:building@townofng.com) or by phone 518-283-2714. In the event that the Governor's guidelines allow for participation in person, it will be noted on the Town's website. However, the Town will still continue with the live streaming of the Zoning Board public hearings and accept comments by email or phone.

Due to on-going social distancing requirements and to maintain the opportunity for the public to participate, the Town of North Greenbush will hold public hearings via teleconference and videoconference on Wednesday, June 10, 2020 beginning at 6:30 pm. The following applications will be heard:

**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 and what this board does.

**New Business:**

**Application 20-05, for the area variance of Rick Russell, 1 Meadow Drive, Troy, NY 12180, for relief from required setbacks of 20 feet for the installation of an inground swimming pool 10 feet from the rear property line, at the property located at 1 Meadow Drive, Troy, NY 12180, in an R1 district, having parcel ID#: 123.10-3-4.**

Mr. Russell spoke about his application. 16x32 in ground pool he would like to install. The have two front yards. Back of the property has a large hill. It would be very expensive to put it near the hill. He needs room between the fence and the pool for a lawn mower etc. Discharge of water, he does not expect much but when he back fills Chairman French asked where it will go. Mr. Russell stated it will be away from the neighbors.

County: Local Consideration shall prevail per Mr. Miner  
Public Hearing Opened:

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No One wishing to speak. No comments and no emails.

Motion made to close Public Hearing by Mr. Dalmata and seconded by Mr. Crucetti.

Chairman French stated he also has no written comments.

Undesirable change character of neighborhood: No.

Benefits sought by applicants are pursued other than area variance: No

Substantial: No

Adverse effect on physical and environmental conditions: No

Self created: Yes however does not preclude.

**Type II SEQRA**

Conditions: Back wash drainage away from neighbors.

Motion to approve with condition by Mr. Dalmata and seconded by Mr. Crucetti

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

**Application 20-06, for the special permit request of Chris & Alyssa Bonitatibus, 47 North Road, Troy, NY 12180, to allow chickens at the property located at 47 North Road, Troy, NY 12180, in an R1 district, having parcel ID#: 123.15-1-42.**

Chris Bonitatibus was present via Zoom. He would like to get some chickens for his children for something different to do. 3-4 chickens no roosters. No selling eggs they want to use the eggs. No free range they will be caged. He has not gotten a coop because he wanted approval first. He stated the food will be stored in a shed in metal bins. The waste will fertilize the garden. Chairman French stated the coop needs to be enclosed on all sides because of predators. The coop will be closer to the shed but kind of behind closer to the woods per Mr. Bonitatibus.

County: Local consideration per Mr. Miner

Public Hearing Opened:

No emails and no written correspondence.

No one wishing to speak

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

Conditions:

Structure must be enclosed or fenced on all sides. All food must be stored in approved containers. No roosters. Maximum of 6 hens. Waste must be disposed of in compost or off site.

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Type II SEQRA

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

**Application 20-07, for the area variance of William Dollard, Jr., 26 Francis Drive, Wynantskill, NY 12198, for relief from setback requirements of 10 ft. for the purpose of constructing an accessory building 3 ft. from rear and side property lines, at the property located at 351 Peck Road, Wynantskill, NY 12198, in a BN district, having parcel ID#: 135.10-7-8.**

Heard First.

Mr. Dollard explained his application to the board. He is trying to purchase the land next to him. He distributed a map and picture to the board. He would like to put up a bldg. similar to the one currently there. He can only put it in the corner pushed back as far as he can. He will be going before the planning board as well.

Public Hearing Opened:

Chairman French read a written comment from Andrew Mair, DeFreestville.  
County: Local consideration shall prevail per Mr. Miner.

Undesirable change character of neighborhood: No

Benefits sought by applicants are pursued other than area variance: No

Substantial: No

Adverse effect on physical and environmental conditions: No

Self created: Yes however does not preclude.

Unlisted SEQRA

All questions were reviewed and answered by the Board.

Motion made neg dec by Mr. Crucetti and seconded by Mr. Ewing.

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

Drainage will dissipate per applicant. Per Miner Town Engineer will look at the drainage as part of the process.

Condition: Drainage not directed at neighboring property

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

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

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**Application 20-08, for the area variance of Scott Noel, 53 Haywood Lane, Rensselaer, NY 12144, for relief from rear setback requirements of 25 ft. and left side setback requirement of 20 ft., for the purpose of constructing a building 15 ft. from the rear property line and 15 ft. from the left side property line, at the property located at 490 North Greenbush Road, Rensselaer, NY 12144, in a BG district, having parcel ID#: 133.-2-10.**

Chairman French asked Mr. Noel when he purchased the property he said about a year ago. Chairman French was part of the sale as part of the Board of Fire Commissioners. Chairman French stated this will not impact his decision on the application at all. Mr. Noel showed a map and drawing of what the bldg. will look like. He has worked with DOT. He is giving an easement to State DOT for the RT 4 construction project. Chairman French stated he could be back for parking variances at another time. Mr. Noel explained to the board what he would be looking for as far as parking. Chairman French stated this board cannot act on the parking today. He will also be in front of the PB June 22. The board reviewed a map as well. Water and sewer are on the site per the applicant.

County: Per Mr. Miner Local consideration shall prevail by the applicant did not state what the use of the bldg. would be.

Public Hearing Opened:

Andy Mair submitted a written comment for the public hearing. He stated he thought there would be five variances and therefore should be postponed.

Mr. Miner has no calls or other emails.

SEQRA reviewed with all the board members.

Uncoordinated SEQRA determination needs to be done per Chairman French, just for the setbacks.

Motion made for neg dec. by Mr. Ewing and seconded by Mr. Crucetti

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

Undesirable change character of neighborhood: No

Benefits sought by applicants are pursued other than area variance: No

Substantial: No

Adverse effect on physical and environmental conditions: No

Self created: Yes however does not preclude.

Motion to approve by Mr. Dalmata and seconded by Ms. Germinerio.

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

Chairman French reminded the applicant that he will need to come back for other variances and parking variances.

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**Application 20-09, for the area variance of Saxton Sign Corp., 1320 Route 9, Castleton, NY 12033, for relief from restriction prohibiting more than 2 business signs per business, for the purpose of allowing 3 business signs AND for approval of an electronic message center sign, at the property located at 31 Jordan Road, Troy, NY 12180, in a BG district, having parcel ID#: 134.-1-4.1.**

This application was heard at the last at the meeting

New bank on Jordan Road only two signs are allowed without a variance.

The third sign would be a free standing which is an electronic sign.

Debbie from Saxton signs spoke via Facebook, Debbie stated the brightness will adjust automatically at night. No flash or scroll always a straight message.

Chairman French stated the restriction is that the sign is turned off at some point and not on overnight. Debbie stated she is good with that. Ground to top of sign is 8.5 feet. Sign is on Jordan Road not Rt. 4

Mr. Miner is asking if there was a condition to put arborvitaes up between the bank and the house. PB made a condition to that but it was not done. This board will reinforce that per Chairman French.

Public Hearing Opened:

Andrew Mair: Memo read into record by Chairman French. Motorist safety.

Chairman French stated it will not be an issue because of the placement.

No other emails or calls per Mr. Miner.

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

County: local consideration shall prevail and mention made about moving text signs per Mr. Miner.

Undesirable change character of neighborhood: No.

Benefits sought by applicants are pursued other than area variance: No

Substantial: No

Adverse effect on physical and environmental conditions: No

Self created: Yes however does not preclude.

Conditions: Hours for LED portion of sign: 1 hour before opening and two hours after close  
Row of arborvitaes per PB Approval condition.

SEQRA: All questions read and answered by Board.

Motion made for a neg dec by Mr. Dalmata and seconded by Mr. Ewing.

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

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**Application 20-10, for the area variance of Jeffrey Woodin, 10 Stephen Drive, Wynantskill, NY 12198, for relief from side setback requirements of 20 ft. for the purpose of allowing a 24 ft by 45 ft. RV port (accessory building) 17.5 ft. from the right side property line with a separation from the primary structure of 5 ft., at the property located at 10 Stephen Drive, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 124.10-4-11.**

Lawrence Howard representing Mr. Woodin. He said because the building is no longer attached it is not subject to a setback. The bldg. is smaller but the set back request is different. He said Mr. Woodin has matched this bldg. with the existing home materials. He said they are now requesting a smaller variance. Chairman French asked that if you refer something as a car port it does not preclude it from sides or doors. Mr. Miner stated it is just an accessory structure.

County: Per Mr. Miner Local consideration shall prevail. Chairman French mentioned the letter from Mr. Lawrence Howard and it is in the record.

Chairman French read all correspondence and emails into the record. Chairman French also read emails from him to Mr. Wood. Chairman French read several emails from Mr. Wood to the BD as well, and Emails from BD to Mr. Wood. There were many emails from Mr. Wood.

Chris Constantine letter read into the record by Chairman French.  
Rimaldi letter read. 11 Valente drive  
Read another letter from? Stating there will be litigation.  
Mr. Miner also has a call Mr. Milanese and his concerns were read.

Mr. Wood became very aggressive toward the board when present and spoke at the public hearing.

He continued to state things to the board and Chairman French stated the that what is before the board today. Not some of the other things Mr. Wood was discussing. Mr. Wood is alleging there is a business. Chairman French stated if that were the case the Building Department will deal with that. Chairman French thanked him for his comments.

Mr. Lawrence spoke again and stated he would be happy to answer any questions. Chairman French asked Mr. Lawrence what he can do to mitigate the visual impact of this. Mr. Lawrence stated they will do what they need to do to mitigate this.

Motion made to close the public hearing by Mr. Ewing and seconded by Mr. Crucetti.  
Mr. Miner explained the first and second application.

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Undesirable change character of neighborhood: No.

Benefits sought by applicants are pursued other than area variance: No

Substantial: No

Adverse effect on physical and environmental conditions: No

Self created: Yes however does not preclude.

Chairman French read notes and comments to the board from the other meeting regarding this.

The structure is already built per Chairman French.

How to mitigate this situation was discussed with Mr. Miner and the Board. Plantings were discussed to mitigate the view.

Conditions (mitigations):

No Business

No Storage of business material-no warehousing

Plantings: evergreen trees to be planted 10 feet along north west building enclosures. Applicant to provide a planting schedule and be approved by Town engineer.

Mr. Wood made other comments after the public hearing was closed.

Mr. Woodin, the applicant deviated from the original approved plan per Chairman French.

Mr. Lawrence stated Mr. Woodin did not and was not trying to hide anything.

Motion made to approve with above conditions/mitigations by Mr. Ewing and seconded by Mr. Dalmata.

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

Chairman French told the applicant that his actions put this board in a bad place.

**Application 20-11, for the area variance of Lisa Baker, 20 Dodge Street, Wynantskill, NY 12198, for relief from required setbacks of 20 feet for the installation of an above ground swimming pool 5 feet from the rear property line, at the property located at 20 Dodge Street, Wynantskill, NY 12198, in an R1 district, having parcel ID #:124.6-11-9.  
(Presentation via ZOOM)**

Lisa Baker presented her application to the board via Zoom. She would like to install 15 foot round above ground pool. She is close to the next door neighbor on the side. She does not know now

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where the flush will go. Chairman French recommended it not be directed toward the neighbor's property. She is agreeable to that.

Public Hearing Opened:

One written comment from Andy Mair. Commented that the variance is 75% and feels it is substantial. He also asked about maximum lot coverage.

Mr. Miner stated no comments via phone or email.

County: local consideration shall prevail.

Motion made to close Public Hearing by Mr. Dalmata and seconded by Ms. Germinerio

Undesirable change character of neighborhood: No

Benefits sought by applicants are pursued other than area variance: No

Substantial: No

Adverse effect on physical and environmental conditions: No

Self created: Yes however does not preclude.

Type II SEQRA

Conditions: Flush directed away from neighbor's property

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

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

Motion made to approve March minutes (No April or May meeting) by Mr. Dalmata and seconded by Mr. Ewing. All in favor.

Motion made to adjourn at 9:20 pm by Mr. Crucetti and seconded by Ms. Germinerio

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) .