

ZONING BOARD OF APPEALS
Town of North Greenbush
2 Douglas Street, Wynantskill, NY 12198
Meeting Minutes
January 11, 2023

Attendance: Richard French (Chairman), Leanne Hanlon (Secretary), Michael Miner – absent (Building Department), Tony Crucetti, Louise Germinerio, Michael Masone-absent, Greg DeJulio, Bill Miller-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.

New Business:

Application 22-26, for the area variance request of Brian Bonesteel, 383 Whiteview Road, Wynantskill, NY for relief from front setback requirements of 35 feet for the purpose of allowing a single family home 25 feet from the front property line, at the property located on Twist Avenue and Powell Street, in an R1 district, having parcel I.D# 124.9-13-10.2. (tabled from December)

Mr. Lawrence Howard is representing Mr. Bonesteel's application. He explained this is a reduction of 10 feet from 35 to 25 setback. This will allow him to align the adjacent homes in a row. Consistent street frontage. This would be a one story home. The typography would cause him to have to have a lot of fill if he moves the location of the proposed home. He would then have some sort of usable back yard. Mr. Howard feels it is not a detriment to the community.

Chairman French stated that this property was granted a variance in 2019 for undersized lot. Mr. DeJulio asked where the driveway would be because he does not see it on the drawing. Mr. Howard explained he has access from the side yard.

There were no written comments.

Public Hearing Opened:

Anne Devine, 37 Powell Street: She stated she is not directly affected by this however; they live in a cozy old neighborhood. She stated there has been a water issue in that area and what will happen when there is a home there. She stated multiple homes in that area are two lots. Now neighbors will have their privacy impacted with that new home. She asked why would the town develop guidelines but it does not pertain to this neighborhood? Chairman French gave her an example of where this had occurred before. The law cannot make an exception for existing lots per Chairman French because every lot and every neighborhood is different. Chairman French

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explained from the drawing exactly what lot sizes are in the area and how many lots some of the existing homes is on.

Charlie Hug, 40 Powell Street: He was present for the 2019 meetings. He feels that there are now two non-conforming lots that have been created. He does not know what changed but it is now one lot. He also requested to please look at "briefly describe the proposal" which the board did. Chairman French stated we are only here to approve or deny front setbacks NOT side setbacks. He cited some of the discussion and conditions from 2019. He feels there are too many subtle changes that are occurring. He is asking that the board review their 2019 decision.

Tim Devine, 37 Powell Street: He would like to know as he understands it; there were three parcels. Who measured the distance between Mrs. Hunt's home for setback? He doesn't understand why he is asking for a variance when he can build without one.

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

Chairman French stated we are aware that the lot slopes in the rear. Chairman also said there are no other serious environmental issues for that lot. He said in 2019 we allowed for the undersized lot and side setbacks then. Some of the homes are built on two lots because back then the lots were very small. One of Mr. Bonesteel's original requests in 2019 was to build two homes on those lots and the board did not allow that. The applicant is returning with a solution to the comments from the board in 2019. There will be conditions with this application per Chairman French.

Mr. Howard noted where the property lines are and can be part of someone's lawn. Also, the average size of some of those lots is 10,000 sq feet and this one is 15,000 sq feet which is larger than all of the closer lots.

Mr. Devine asked that all of the information Mr. Howard just stated should be withdrawn from the record because the public hearing was closed. Chairman French stated the discussion now is allowed and the discussion between the applicant/representative is not a public hearing. This is a discussion with the board and the applicant. Mr. Devine is asking the board to make that clear from this point on.

The board is also comfortable with the drainage situation for this lot. We do not need to do anything about the driveway access.

Undesirable change: No

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Benefits sought by applicant: Yes however, it creates drainage issues and sets the home further back.

Substantial: No

Adverse affect: No

Self created: Yes, but does not preclude

SEQRA Type II

County: Local consideration shall prevail and does not have a major impact on county plans.

Condition: 10 feet or No closer than then property to the North (Hunt Property).

Motion made to approve with above condition by Mr. Crucetti and seconded by Mr. DeJulio.

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

Motion made to approve November 2022 meeting minutes by Mr. DeJulio and seconded by Mr. Crucetti. Germinerio abstained.

Motion made to approve December 2022 meeting minutes by Mr. DeJulio and seconded by Mr. Crucetti.

Chairman French stated he will not be present for the May and June 2023 meetings.

Ms. Germinerio will not be present for the March meeting.

Motion made to adjourn at 7:33pm by Ms. Germinerio 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.**