

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

Attendance: Richard French (Chairman), Leanne Hanlon (Secretary), Eric Westfall (Building Department), Tony Crucetti, Louise Germinerio, 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 special permit rules and what this board does.

Old Business:

Application 23-24, for two area variance requests of Ted Delucia (Vision Planning Consultants, LLC), P.O. Box 442, Newtonville, NY 12128, for relief from minimum lot size requirement of 20,000 Sq. ft. AND a minimum width at setback requirement of 110 ft., for the purpose of constructing a single-family dwelling with a proposed lot size of 17,500 Sq. ft. AND a proposed width at setback of 100 ft., for the property located at 7 Gardner Road, Wynantskill, NY 12198, in an R1 district, having parcel ID#: 124.9-17-10.

This application was tabled from last month. Mr. Delucia spoke about the application. There were a lot of public comment last month. Mr. Delucia provided additional information to the board which was requested from last month. He stated his background in zoning, planning and worked for a municipality before retiring.

Lacking 10 feet frontage. The deed did show 2 lots but one deed. He noted there are 20 parcels in the area that are the same size as his proposal. He noted them. Curtis is a paper street. Mr. Delucia stated this is a unique layout. He said they downsized the proposed home to a ranch which was originally a two story proposed home. Because of the elevation the driveway will be 4 feet lower with 7 grade. He showed where the water will go on the new rendering map. Some trees will be removed but put a lot of arborvitaes on a berm. Mr. Masone asked what the exact setback would be and Mr. Delucia stated it could be as far as and not the setback.

Chairman stated that he did take a better look at this property for this meeting. Mr. Delucia stated the paper street does not go behind the property. The rear of the property does slope down and this home will be 40 feet before the drop off. Which leaves room for a pool, deck etc. before the drop off.

The Public Hearing has been reopened:

James Cardney: 5 Gardner Road: He stated Mr. Delucia did an outstanding job with this project. He noted the homes that Delucia pointed out are not connected to another property and more than 20,000 feet of land. He feels it will not look right and will affect his privacy. Chairman

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stated we will look at the health safety and welfare of the community not one home. Per Chairman French, we can't put something in the site plan for residential properties that arborvitaes have to be maintained only commercial.

Julia DeRose Cardney: 5 Gardner Road: She read from a letter. She stated they bought the home from Mr. Cardney's family. They put a lot of money in the home to ensure privacy. She stated this does not meet the rules by 110 feet.

Chairman stated the lots are now bigger than 75 x 50. He said it is very clear and one of the options available to the resident was to purchase that lot when it was for sale. He said some people actually have used other people's vacant land and then the owner wants to develop it causes that other person to be negative toward the plan.

Kathy Schatz: She is speaking on behalf of Mr. Tom Holeman who lives on the bottom of that hill (4 Cloverdale). He could not be at the meeting. The 50 feet cannot be considered for the other home because it is his property. A lot of the land there is shale as well.

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

Mr. Delucia stated he proposed the arborvitaes because they are dense, but a fence could be installed as well but he prefers greenery. He said he is ok with the board limiting the size of the proposed ranch. Mr. DeJulio asked about storm water design with the rain garden and Mr. Westfall will be reviewing that.

Undesirable change: No and with some mitigation.

Benefits sought by applicant: No

Substantial: No

Adverse affect: No with mitigation. Possible catch basin on the driveway per Chairman.

Self created: Yes but does not preclude

Type II SEQRA

Mitigations (conditions): Fence and arborvitae for privacy, must be a one story home, no more than 2200 square feet home, Engineered system retaining wall both sides of driveway , driveway needs to be on the left side of the property, grade must be on plot plan, one year for application.

Motion made to approve with above conditions by Mr. Masone and seconded by Ms. Germinerio.

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

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New Business:

Application 23-27, for the area variance request of A.J. Signs, 842 Saratoga Road, Burnt Hills, NY 12027, for relief from allowing more than two signs per business unit, for the purpose of installing additional building mounted signage on the west elevation above the entrance, for the property located at 76 North Greenbush Road (Fancy Feet Dance Studio), in a BG district, having parcel ID#: 123.9-2-6.

Carley Clark-AJ Signs spoke about the request. The owner of Fancy Feet needs to have their sign above the entry doors because it is actually along the drive thru which is odd. There is a temporary banner there now. Eric stated they are still under the 60.

Public Hearing Opened:

No one wishing to speak.

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

County: Local consideration shall prevail per Mr. Cioffi

Undesirable change: No

Benefits sought by applicant: No

Substantial: No

Adverse affect: No with mitigation

Self created: Yes but does not preclude

8am-8pm for sign lighting.

SEQRA has been done on the property previously. Motion made to waive SEQRA by Mr. Masone and seconded by Mr. Crucetti.

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

Application 23-28, for two area variance requests of Dave Tomlinson, 22 Crestwood Lane, Troy, NY 12180, for relief from front setbacks requirements of 35 feet, for the purpose of allowing a front setback of 15 feet AND for relief from 110 foot width at setback requirements, for the purpose of allowing a 102.57 foot width at setback in order to construct a single-family residence on proposed Lot B, for the property located in an R1 district, having parcel ID#: 123.11-1-7.

Mr. Tomlinson spoke about the application. There was a decision for this property from several years ago 7/8/20. Mr. Paul Ferrito spoke. They want to Sub divide the lot. There is a large

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greenspace area there as well by the road. There is an attached garage proposed that is in front of the home. On the last review one person spoke and it was approved prior and Mr. Tomlinson stated he redesigned the house to be smaller from before.

County: Local consideration

Public Hearing Opened:

No one speaking. Motion made to close Public Hearing by Ms. Germinerio and seconded by Mr. Crucetti.

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

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

Motion made to approve October 2023 minutes by Ms. Germinerio and seconded by Mr. DeJulio.

Mr. Masone recusing because he was not present.

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.