

Zoning Board of Appeals

TOWN OF BRUNSWICK
336 Town Office Road
Troy, New York 12180

MINUTES OF THE BRUNSWICK ZONING BOARD OF APPEALS REGULAR MEETING HELD APRIL 19, 2021

PRESENT were ANN CLEMENTE, CHAIRPERSON, E. JOHN SCHMIDT, PATRICIA CURRAN, ADRIAN MORIN, and JOHN MAINELLO III.

ALSO PRESENT was CHARLES GOLDEN, Brunswick Building Department.

The draft minutes of the March 15, 2021 regular meeting were reviewed. There were no edits or corrections to be made to the minutes. Chairperson Clemente made a motion to approve the minutes of the March 15, 2021 regular meeting without correction, which motion was seconded by Member Morin. The motion was unanimously approved, and the minutes of the March 15, 2021 regular meeting were approved.

The draft minutes of the April 1, 2021 special meeting were reviewed. There were no edits or corrections to be made to the minutes. Chairperson Clemente made a motion to approve the minutes of the April 1, 2021 special meeting without correction, which motion was seconded by Member Mainello. The motion was unanimously approved, and the minutes of the April 1, 2021 special meeting were approved.

The first item of business on the agenda was the use and area variance submitted by David Leon for property located at 660 Hoosick Road. The applicant seeks approval to construct two fast food drive-thrus and a grocery store. Rob Panasci, Esq., of Young/Sommer LLC, was present for the applicant. Chairperson Clemente briefly reviewed the application, specifically that the Zoning Board has heard all information and seen all evidence connected to the application, held a public hearing, asked questions of the applicant, and reviewed the record. Attorney Gilchrist then

reviewed a draft Resolution pertaining to the use variance and area variance. Mr. Golden stated that a question had been raised previously about the location of the building to be built near the Hoffman Car Wash on Hoosick Road, and he clarified that the building was within the Town's setback requirements. Member Curran had a question regarding the need for an area variance for this project, and Attorney Gilchrist explained that an area variance is required due to the proposed parking adjacent to the R-9 zoning district boundary line. Member Curran also asked about the lighting impact of the project on a residential area and Attorney Gilchrist stated that this was addressed in the Negative Declaration, and that the Planning Board, serving as SEQRA lead agency, determined that no significant lighting impacts would result from this action. Chairperson Clemente asked if the section of the project site located in the R-9 zoning district must be kept "forever wild" i.e. maintaining the vegetation on the land indefinitely. Attorney Gilchrist stated that keeping the land "forever wild" is a condition that could be imposed within the discretion of the Zoning Board. Chairperson Clemente asked whether or not the road on the project site would be limited in width, one-way, and have no utilities. Attorney Gilchrist confirmed that the Planning Board had included these as conditions for its Resolution on the project. Chairperson Clemente asked what part of the parcel was to be dedicated to the Town. Attorney Gilchrist stated that it was a section of Hillcrest Avenue that is currently located on land owned by Leon. Chairperson Clemente asked if the Rensselaer County Planning Department had any comments on the project. Attorney Gilchrist stated that there were comments pertaining to the project's landscaping and stormwater islands on the site, and that the County comments had been discussed by the Planning Board. Chairperson Clemente asked who will maintain the green space in the R-9 zoning district, specifically if there will be garbage pick-up within the rest of the R-9 zoning district. Mr. Panasci stated that David Leon, the applicant, would need to maintain the area as he is the owner of the

property, and that there will be garbage receptacles in the parking areas on-site. Member Mainello stated that there is an existing garbage problem behind the Planet Fitness next to the project site, even though there is a requirement to maintain that property. Chairperson Clemente asked how maintenance of the green space on the project site will be enforced. Attorney Gilchrist stated that the Town would enforce it, and Mr. Golden stated that he specifically would enforce it since he enforces property maintenance laws. Member Mainello asked a question about the use variance standards, which was clarified by Attorney Gilchrist. Chairperson Clemente then discussed procedure options on how to move forward. Member Morin stated that he'd like to further review the draft Resolution and conditions before taking any action. Attorney Gilchrist stated that he would draft additional conditions for maintenance of the project site and trash pick-up based on the Zoning Board's deliberation. Mr. Panasci stated that any conditions for maintenance should be put into the Resolutions before both the Planning and Zoning Boards. Attorney Gilchrist agreed. A special meeting of the Zoning Board will be held on April 26 at 6:00pm to continue discussion of this project.

Four items of new business were discussed.

The first item of new business discussed was an application for two area variances submitted by Richard Wark Jr. for property located at 113 Flower Road. Mr. Wark was present and gave an overview of the application, stating that he plans to take down an existing shed and build a 30-foot by 50-foot garage at the same location. He requires the area variances for proposing 16 feet of setback where 75 feet is required under the Zoning Law, and being an accessory structure in front of a primary structure. Member Curran asked if the new garage would have only one floor and Mr. Wark confirmed it would. Chairperson Clemente stated that the application was complete. A public hearing on this application is scheduled for May 17, 2021 at 6:00pm.

The second item of new business discussed was an application for two area variances submitted by Lawrence Freeman for property located at 6 Carolina Avenue. Mr. Freeman was present and gave an overview of the application, stating that he plans to take down an existing garage and build a 14-foot by 20-foot garage at the same location at the end of his driveway. He requires the area variances for proposing 8 feet of rear yard setback where 20 feet is required under the Zoning Law, and proposing 1.6 feet of side yard setback where 10 feet is required. Chairperson Clemente stated that the application was complete. A public hearing on this application is scheduled for May 17, 2021 at 6:15pm.

The third item of new business discussed was an area variance application submitted by Peter and Heather Jones for property located at 41 Tamarac Road. Mr. Jones was present and gave an overview of the application, stating that he plans to build a 10-foot by 12-foot shed at the end of his driveway. He requires the area variance for proposing 9 feet of side yard setback where 25 feet is required under the Zoning Law. He also stated that the majority of his backyard is a leach field and that he and his wife would like to build a pool on the property in the future, so the end of the driveway is the best place for the shed. Chairperson Clemente stated that the application was complete. A public hearing on this application is scheduled for May 17, 2021 at 6:30pm.

The fourth item of new business discussed was an application for two area variances submitted by Scott Newell of Compass Realty for property located at 1691 NYS Route 7 at the corner of Deepkill Road and NYS Route 7. Mr. Newell was present and gave an overview of the application, stating that some time ago, a vehicle travelling along NYS Route 7 hit the building currently at that location, and that he is proposing to demolish the current structure and wanted to build a new one in the same place, but part of the prior building location was in the State right-of-way, so he is proposing a slightly modified location. Mr. Newell stated that there is a drainage

easement that bisects the parcel, which leaves no other possible location where he can construct the new building. The location of the new building will be as far from Deepkill Road and NYS Route 7 as possible and the building will consist of an office and space for equipment storage, but will not have a basement or any apartments. Mr. Newell requires the area variances for proposing 14.6 feet of front yard setback where 75 feet is required under the Zoning Law, and proposing 25.3 feet of side yard setback where 75 feet is required (the parcel is a corner lot). Mr. Newell also clarified that he is only seeking building footprint approval, as he cannot know the final building style until he is certain where on the property he can build and what size building will be allowed by the Zoning Board. Chairperson Clemente stated that the application was complete. A public hearing on this application is scheduled for May 17, 2021 at 6:45pm.

The index for the April 19, 2021 meeting is as follows:

1. Leon – use and area variance (April 26, 2021).
2. Wark – area variances (May 17, 2021).
3. Freeman – area variances (May 17, 2021).
4. Jones – area variance (May 17, 2021).
5. Newell – area variances (May 17, 2021).

The proposed agenda for the April 26, 2021 special meeting is currently as follows:

1. Leon – use and area variance.

The proposed agenda for the May 17, 2021 regular meeting is currently as follows:

1. Wark – area variances (public hearing to commence at 6:00pm).
2. Freeman – area variances (public hearing to commence at 6:15pm).
3. Jones – area variance (public hearing to commence at 6:30 pm).
4. Newell – area variances (public hearing to commence at 6:45pm).