

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 OCTOBER 16, 2023

PRESENT were ANN CLEMENTE, CHAIRPERSON, PATRICIA CURRAN, JOHN MAINELLO III and DARYL LOCKROW.

ABSENT was E. JOHN SCHMIDT.

ALSO PRESENT was MICHAEL McDONALD, Brunswick Building Department.

Chairperson Clemente reviewed the agenda for the meeting, as posted on the Town sign board and Town website. The draft minutes of the September 18, 2023 regular meeting were reviewed. There were no edits or corrections to be made. Chairperson Clemente made a motion to approve the minutes of the September 18, 2023 regular meeting without correction, which was seconded by Member Curran. The motion was unanimously approved, and the minutes of the September 18, 2023 regular meeting were approved.

The first item of business on the agenda was an area variance application submitted by Adam Kohler for property on Greene Street. Chairperson Clemente stated that due to questions on the application materials and, as a consequence, an incorrect street address being listed in the Public Hearing Notice, the public hearing on the application would not be held and that the public hearing would be re-noticed for the November meeting. A public hearing on this application is scheduled for November 20, 2023 at 6:00pm.

The second item of business on the agenda was an area variance application submitted by Larry Mackey for property located at 444 Farm to Market Road. Larry Mackey was present to

review the application. The Notice of Public Hearing was read into the record by Attorney Gilchrist, noting that the Public Hearing Notice was published in the Eastwick Press, placed on the Town sign board, posted on the Town website, and mailed to the owners of all properties located within 300 feet of the project site. Chairperson Clemente asked the applicant if there had been any changes made to the application since the last Zoning Board meeting. Mr. Mackey stated that there had been no changes made to the application. Chairperson Clemente opened the public hearing on the application. Gary Joy, of 51 Joy Lane, read a letter written by he and his wife into the record, stating that they were in total approval of the proposed pole barn, that the Town Zoning Law enacted in 2017 is overly-restrictive to property owners, and that a variance should not be required for an accessory structure over 1,500 square feet in a rural area. Mr. Joy then read a letter from Patrick McCauley, of 50 Joy Lane, which stated that he had no issues with the project. Mr. Joy then stated that he had spoken with Tim Kronau, of 36 Joy Lane, and Matt Kronau, of 7 Joy Lane, and that both were in total favor of the project as well. David Gardam, of 13 Joy Lane, stated that he and his wife lived adjacent to the project site, that they were the only neighbors that lived close to the site, and that the pole barn would be difficult to see from their property and it would not be able to be seen at all from any other properties. Mr. Gardam also stated that the property had been vacant for several years before Mr. Mackey purchased the property out of foreclosure, and that he was thankful that the property had been purchased and significantly improved, as it helped the character of the neighborhood overall. Larry Broderick, of 40 Joy Lane, stated that he was a 51-year resident of the neighborhood and that he was thankful that Mr. Mackey had purchased the property and was improving it. Mr. Broderick stated that he supported the construction of the pole barn, that a 40-foot by 60-foot structure is the standard size for a pole barn, that the pole barn would be keeping in the character of the neighborhood, and that the Town should

look at its Master Plan on area variance requirements for accessory structures and consider revising it. There were no further comments on the application. Chairperson Clemente stated that while the information in the legal Notice of Public Hearing was correct and the Notice was published correctly, there was a typographical error in the memorandum that accompanied the mailing of the Notice to the owners of property located within 300 feet of the project site, with the typographical error concerning the date of the public hearing. Attorney Gilchrist stated that while the information in the legal Notice of Public Hearing was correct and it was published timely, the typographical error in the memorandum mailed with the Notice could have caused confusion, which could have caused someone who wanted to attend the public hearing not do so, and he advised keeping the public hearing open for this reason. Chairperson Clemente asked Mr. Mackey if the construction of the pole barn was time sensitive. Mr. Mackey stated that he wanted to start construction on the pole barn as soon as possible. The Zoning Board discussed holding a special meeting before the next regular meeting in order to avoid undue delay to the applicant. Attorney Gilchrist noted that a revised Notice to the neighboring properties needed to be mailed ten days before the special meeting, meaning it could not be held the following Monday. The Zoning Board agreed to hold a special meeting, which would only have this application on the agenda, on October 30. Member Mainello noted that the site plan submitted with the application did not have a garage on the property noted, while a Google Maps image of the property did, so the site plan needed to be updated to add the garage. Mr. Mackey stated that he would update the plan. This matter is placed on the October 30, 2023 special meeting agenda for further deliberation.

The index for the October 16, 2023 regular meeting is as follows:

1. Mackey – area variance (October 30, 2023).

The proposed agenda for the October 30, 2023 special meeting is as follows:

1. Mackey – area variance (public hearing to continue at 6:00pm).

The proposed agenda for the November 20, 2023 regular meeting is as follows:

1. Kohler – area variance (public hearing to commence at 6:00pm).
2. Bulson – appeal.