

Zoning Board of Appeals

TOWN OF BRUNSWICK

336 Town Office Road

Troy, New York 12180

MINUTES OF THE BRUNSWICK ZONING BOARD OF APPEALS SPECIAL MEETING HELD JUNE 3, 2024

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

ALSO PRESENT was CHARLES GOLDEN, Brunswick Building Department.

Chairperson Clemente reviewed the agenda for this special meeting, as identified in the special meeting notice.

The one item of business addressed was an application for area variances submitted by Justin Haas for property located at the corner of NYS Route 7 and Carrolls Grove Road. Matt Bond, P.E., of Hart Engineering, was present for the applicant. The applicant was not present. Mr. Bond handed out copies of the stormwater narrative prepared by his firm, dated May 28, to the Zoning Board members, and reviewed the project's site plan layout. Mr. Bond discussed the stormwater narrative and NYS Department of Environmental Conservation (DEC) general permit for construction requirements, the existing condition of the site, and the proposed condition of the site post-construction. Mr. Bond also reviewed the stormwater volume calculations, the water quality treatment at the site, and concluded that there was adequate area for the stormwater treatment and additional runoff volume anticipated for this project. Chairperson Clemente asked if there would be a detention basin or micropool at the site. Mr. Bond stated that there would be both. Chairperson Clemente asked where specifically on the site they would be built. Mr. Bond reviewed where the detention basin and micropool would be built, and noted that the majority of

the stormwater treatment would be in the detention basin, but that stormwater could also be collected in the micropool for initial treatment. Mr. Bond also reviewed a subsequent letter received by the Zoning Board from Wayne Bonesteel, review engineer for the Planning Board, in which Mr. Bonesteel stated that he concurred generally with the stormwater calculations and the stormwater plan should conceptually work on the site. Chairperson Clemente asked if adding the micropool would require moving any of the proposed storage buildings. Mr. Bond stated that no buildings would need to be moved due to the addition of the micropool, and that there would be adequate area for both the detention basin and micropool in the current stormwater detention area. Chairperson Clemente asked what the condition would be around the detention basin and micropool, specifically in terms of landscaping. Mr. Bond stated that there are grass slopes in the area of the detention basin, and that there would be DEC-required plantings done near the detention basin per DEC green infrastructure requirements. Chairperson Clemente stated that the applicant had stated at a previous meeting that there would be a fence around the detention basin, and asked if there would also be fencing around the micropool. Mr. Bond stated that if grading requirements are met, fencing is not required under DEC regulations, but that if fencing were to be required under Town regulations, then fencing around the micropool may be installed. Attorney Gilchrist stated that as the project site is a commercial site, the applicant would need to execute a stormwater management maintenance agreement with the Town, and that the applicant would have to comply with the approved stormwater plan. Mr. Golden asked how snow would be removed during the winter. Mr. Bond stated that snow would likely be removed by a loader with a bucket. Member Mainello noted that there is a steeper slope from the project site to NYS Route 7 and asked if a berm on the detention basin would be added. Mr. Bond confirmed that a berm would be designed and built. Member Mainello asked if excess snow could be dumped in the detention basin if

necessary. Mr. Bond stated that excess snow could be deposited in the micropool, but was not sure about the detention basin. Member Mainello asked if the roof area of the storage unit buildings had been taken into account as part of the stormwater calculations. Mr. Bond confirmed that the roof area was taken into account. Chairperson Clemente noted that there would be vegetative screening near the fencing and asked specifically where that screening would be. Mr. Bond stated that the vegetative screening may be placed in front of or behind the fencing, and that it was at the discretion of the Zoning Board. Chairperson Clemente stated that the Zoning Board appreciated the requested supplemental information concerning stormwater from Mr. Bond and that the stormwater information had been placed into the record. Chairperson Clemente asked the Zoning Board members if they thought there was now enough information to make a determination on the application for area variances. The Zoning Board members stated that there was enough information to make a determination. Chairperson Clemente stated that the application was a non-residential action under SEQRA, that a Short Environmental Assessment Form (EAF) had been submitted, that the stormwater calculations were in compliance with NYS DEC requirements, and that Mr. Bonesteel had concurred with those calculations. Attorney Gilchrist reviewed the standard under the SEQRA regulations for the determination of environmental significance, that the project was an unlisted action under SEQRA, that the Zoning Board was proceeding with an uncoordinated SEQRA review, and that the Planning Board would also need to make a SEQRA determination when the applicant was before that Board. Member Mainello asked what would happen if the Zoning Board made a negative declaration under SEQRA for the project, but the Planning Board later made a positive declaration. Attorney Gilchrist stated that there would be no conflict, but that the positive declaration would take precedence and that the applicant would need to then prepare a full environmental impact statement. Member Mainello made a motion to adopt

a negative declaration under SEQRA, which motion was seconded Member Curran. The motion was unanimously approved, and a SEQRA negative declaration was adopted. The Zoning Board then reviewed the elements for consideration on the area variances requested in the application. As to whether the requested variances would result in an undesirable change in the character of the neighborhood or create a detriment to nearby properties, Chairperson Clemente stated that fencing had been brought up during the public hearing and that the applicant had addressed those concerns by proposing black chain link fencing with vegetative screening to reduce visual impact, and that requiring fencing could be a condition to action on the application. Chairperson Clemente stated that the design and color of the storage unit buildings had been addressed. Member Curran stated that the buildings would not be red, but off-black or brown with proposed plantings and trees, and that fencing would not have a negative effect on the neighborhood. Chairperson Clemente stated that lighting on the project site was also brought up during the public hearing and that the applicant had addressed those concerns also. As to whether a feasible alternative was available, Chairperson Clemente stated that the applicant had represented to the Zoning Board that any changes to the site plan that would result in losing a building on the site would make the project not economically feasible. Member Curran stated that the size of the detention basin would have an impact on the site but that it was required. As to whether the requested variances were substantial, Chairperson Clemente stated that the site was a 2.7-acre parcel in a Business Light Overlay zoning district, that 2.5 acres would be disturbed, that the applicant was seeking two setback variances, that the applicant was proposing 42 feet of front setback where 75 feet of setback is required, that the applicant was proposing 30 feet of rear setback where 50 feet of setback is required, that no side setback variances were required, that the front of the project site was along NYS Route 7, and that the rear of the project site was adjacent to an access road area

and a vacant lot. As to whether the variances would create an adverse environmental impact, Chairperson Clemente stated that a SEQRA negative declaration had been adopted for the project by the Zoning Board; that Mr. Bonesteel had done a review of the stormwater documents and concurred with the stormwater calculations; that a lighting plan had been submitted, which stated that solar lighting would be used, the lights would be downlit and placed 8 feet high on the buildings and be placed at every other bay; that the hours of operation would be 8:00 AM to 8:00 PM, and that the hours of operation would control traffic entering and exiting the site; that there would be no increase in noise post-construction; and that there would not be any need for public services on the site. As to whether the difficulty giving rise to the need for the variances was self-created, Chairperson Clemente stated that it was, but that this factor was not determinative in this case. Chairperson Clemente stated that the Zoning Board needed to balance the benefit to the applicant with any potential detriments to the surrounding neighborhood. Chairperson Clemente stated that the Zoning Board had the authority to impose conditions to the action, and that conditions to consider on this action included hours of operation, the lighting plan, the vegetation plan, fencing, landscaping at the entrance to the site from Carrolls Grove Road, and the design and color of the buildings. Chairperson Clemente asked if the site plan as it was currently before the Zoning Board was binding. Attorney Gilchrist stated that a reasonable condition for the Zoning Board to consider was that if the Planning Board review changed the site plan layout that resulted in an increase to the size of the requested variances, then the applicant must seek an amendment to the approved variances from the Zoning Board, and that if the site plan layout changed and decreased the size of the requested variances, then no amendment would be needed. Member Mainello made a motion to grant the area variances subject to the following conditions:

- (1) Solar downlighting to be placed 8 feet high on the buildings at every other bay is required per the applicant's submission;
- (2) Deer-resistant tree planting must be installed consistent with Option 2 (4-6 feet apart) on the applicant's submission;
- (3) Color of the buildings must be consistent with Option 2 (brown/bronze) on page 4 of the applicant's submission, and that the roof color must match the rest of the building;
- (4) Chain link fencing installed per the site plan, in a black or dark color;
- (5) In the event the Planning Board review of this project changes the site plan layout in a way that results in an increase to the size of the front and/or rear setbacks as approved, the applicant must apply to the Zoning Board for an amendment to the variance(s);
- (6) Landscaping must be installed consistent with the applicant's landscaping plan, and the trees must be planted in front of the fence along NYS Route 7 in the area of the front setback variance;
- (7) Hours of operation limited to 8:00 AM to 8:00 PM, seven days a week;
- (8) Landscaping at the entrance to the site from Carrolls Grove Road must be installed consistent with the applicant's submission.

The motion was seconded by Member Curran. The motion was unanimously approved and the area variances were granted subject to the eight stated conditions. Chairperson Clemente directed Mr. Bond to inform the applicant to continue working with the Town Building Department on this matter.

The index for the June 3, 2024 special meeting is as follows:

1. Haas – area variances (approved with conditions).

There are currently no agenda items for the June 17, 2024 regular meeting.