

## **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 JULY 15, 2024**

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

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 June 17, 2024 regular meeting were reviewed. Chairperson Clemente noted one correction: on page 2, line 11, "Planning Board" should be changed to "Zoning Board of Appeals." Chairperson Clemente made a motion to approve the minutes of the June 17, 2024 regular meeting subject to the noted correction, which was seconded by Member Curran. The motion was unanimously approved, and the minutes of the June 17, 2024 regular meeting were approved subject to the noted correction.

The first item of business on the agenda was an application for area variances submitted by John Murphy for property located at 15 Bellview Road. John Murphy 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 Troy Record, 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 Mr. Murphy to briefly review the application, and if there had been any changes made to the application since the last Zoning Board meeting.

Mr. Murphy stated that there had been no changes made to the application, and stated that he was seeking one front yard setback variance and one rear yard setback variance for a pool. Chairperson Clemente opened the public hearing on the application. There were no public comments on the application. Chairperson Clemente asked Mr. McDonald if there had been any written comments on the application and he stated that there had been none, either by written letter or email. There were no questions or comments from the Zoning Board members. Chairperson Clemente made a motion to close the public hearing, which was seconded by Member Lockrow. The motion was unanimously approved, and the public hearing was closed. Chairperson Clemente stated that the project was a Type II action under SEQRA, which does not require any further SEQRA review. Chairperson Clemente stated that the Town had received a letter from the Rensselaer County Bureau of Economic Development and Planning stating that the project will not have a major impact on County plans and that local consideration shall prevail. The Zoning Board then reviewed the elements for consideration on the area variance requested in the application. As to whether the requested variance would result in an undesirable change in the character of the neighborhood or create a detriment to nearby properties, Chairperson Clemente stated that a 12-foot by 24-foot pool would not create an undesirable change to the neighborhood, and that pools are standard in a residential setting. As to whether a feasible alternative was available, Member Curran stated that a leachfield takes up a large part of the back lawn area, that topography affects other areas on the property, and that the proposed location is the only feasible location for the pool. As to whether the requested variance was substantial, Chairperson Clemente stated that 60 feet of front setback was required and that the applicant was proposing 10 feet of setback, and that 12 feet of rear setback was required and that the applicant was proposing 5 feet of setback. Member Mainello stated that there were many constraints on the property and that while the variance was substantial,

it is required in this case. As to whether the variance would create an adverse environmental impact, Chairperson Clemente stated that there would be no negative environmental impacts, such as excess dust, noise, or stormwater runoff. As to whether the difficulty giving rise to the need for the variance was self-created, Member Lockrow stated that it would appear to be, but that there was no other place on the property for the pool, and 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. Member Mainello made a motion to grant the area variances, which was seconded by Member Lockrow. The motion was unanimously approved and the area variances were granted. Chairperson Clemente directed the applicant to continue working with the Town Building Department on this matter.

The Zoning Board discussed one item of new business.

The one item of new business was a sign variance application submitted by Johnston Associates, LLC for property located at 740 Hoosick Road. Paul Engster was present to review the application. Chairperson Clemente stated that the Building Department had put together a short summary of the application, stating that 35 square feet of signage was allowed on each side of the pylon sign at the site and that the applicant was proposing 167.3 square feet of signage on each side, and that the applicant was seeking to increase the number of tenant slots on the pylon sign from 10 slots to 14 slots. Mr. Engster briefly reviewed the history of the project and the site, stating that the pylon sign was approved in 1994, at which time Mr. Engster and his business partner anticipated 10 tenants in the Walmart Plaza. Mr. Engster stated that he had divided some spaces over the years, that there are currently 10 tenants in the plaza, that there is currently space for 12 tenants, and that based on further downsizing work that could be done on the units at the plaza, there could ultimately be space for 14 tenants. Mr. Engster stated that slots on the pylon sign were

5 feet wide by 8.5 inches high and that the slots are approximately the same size for each tenant. Mr. Engster stated that the 167.3 square feet of signage being proposed was for all signage on each side of the pylon sign, consisting of the tenant signs, the name of the plaza, and the 9-1-1 address. Mr. Engster stated that 768 square feet of signage was approved for the project in 1994, which was for the pylon sign and all signage on the plaza building. Mr. Engster concluded by saying that he was seeking a variance for the total square footage of the pylon sign. Chairperson Clemente asked if there were any alternatives if the application were not approved. Mr. Engster stated that he did not believe any tenants of the plaza would accept not have the name of their business on the pylon sign, that he needed space for each tenant on the pylon sign, and that he could not list every potential tenant on the pylon sign without increasing the number of slots. Member Lockrow asked Mr. Engster if he would be changing the existing sign structure or installing a new sign. Mr. Engster stated that he would be installing a new pylon sign with updated lighting. Member Curran asked how the proposed new sign would be lit. Mr. Engster stated that the current sign is lit internally with fluorescent lighting, and that the new sign would also be lit internally, but with LED lighting. Member Curran asked what the hours of operation would be for the proposed new sign. Mr. Engster stated that the sign would be on a timer, like the current sign is, and would go on and off at the same time as the lights in the parking lot, though he did not know the exact hours offhand. Chairperson Clemente stated that the application was not complete and that it needed to be finished and submitted to the Zoning Board before the Board's next meeting, preferably ten days before that meeting, so the Zoning Board had adequate time to review it. Mr. Engster stated that he would do so. This matter is placed on the August 19, 2024 agenda for further deliberation.

The index for the July 15, 2024 regular meeting is as follows:

1. Murphy – area variances (approved).
2. Johnston Associates, LLC – sign variance (August 19, 2024).

The proposed agenda for the August 19, 2024 regular meeting is as follows:

1. Johnston Associates, LLC – sign variance.