

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 21, 2024

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

ABSENT was ANN CLEMENTE.

ALSO PRESENT was MICHAEL McDONALD, Brunswick Building Department.

Acting Chairperson Curran reviewed the agenda for the meeting, as posted on the Town sign board and Town website.

The draft minutes of the September 16, 2024 regular meeting were reviewed. There were no edits or corrections to be made. Acting Chairperson Curran made a motion to approve the minutes of the September 16, 2024 regular meeting without correction, which was seconded by Member Mainello. The motion was unanimously approved and the minutes of the September 16, 2024 regular meeting were approved.

The first item of business on the agenda was an area variance application submitted by Zachary Hilton for property located at 74 N Langmore Lane. Zachary Hilton 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. Acting Chairperson Curran asked Mr. Hilton to briefly review the application, and if there had been any changes made to the application since the last Zoning Board

meeting. Mr. Hilton stated that there had been no changes made to the application, and stated that he was proposing to build a playhouse for his children on his property, that there was no other spot on the property for the playhouse, and that while he had mentioned at the last meeting on September 16 that there was one spot on his property that could serve as an alternate location, he had since discovered that it was the location of the leachfield on his property. Acting Chairperson Curran opened the public hearing on the application. There were no public comments on the application. Acting Chairperson Curran 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 further questions or comments from the Zoning Board members. Acting Chairperson Curran 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. Acting Chairperson Curran stated that the project was a Type II action under SEQRA, which does not require any further SEQRA review. Acting Chairperson Curran noted that the action was not within 500 feet of a NYS highway, so no recommendation from Rensselaer County was required. 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, Acting Chairperson Curran stated that the action was in a residential neighborhood in an Agricultural Overlay zoning district, that the project site's rear lot line is adjacent to an open field with no homes or buildings on it, and that the playhouse was proposed for the back of the property, so there would be no change to the neighborhood or detriment to nearby properties. As to whether a feasible alternative was available, Acting Chairperson Curran stated that the parcel was hilly, that a potential alternate location for the playhouse had been discovered to be the location of a leachfield, and that the

proposed location for the playhouse was the only flat area for it on the lot. As to whether the requested variance was substantial, Member Mainello stated that it was not substantial in relation to surrounding lots and would be in character with the rest of the neighborhood. As to whether the variance would create an adverse environmental impact, Member Mainello stated that the application was just to add a playhouse to the property and would not cause any environmental impacts. As to whether the difficulty giving rise to the need for the variance was self-created, Member Mainello stated that it was, but that there was no other location for the playhouse on the property and that being self-created was not determinative in this case. Acting Chairperson Curran stated that the Zoning Board needed to balance the benefit to the applicant with any potential detriment to the surrounding neighborhood. Member Mainello made a motion to grant the area variance, which was seconded by Member Lockrow. The motion was unanimously approved and the area variance was granted. Acting Chairperson Curran directed Mr. Hilton to continue working with the Town Building Department on this matter.

The second item of business on the agenda was an application for two use variances submitted by Brunswick Solar, LLC and Sycaway Solar, LLC, subsidiaries of Atlas Renewables, LLC for property located on Shippey Lane and Brunswick Road. Lluís Torrent, of Atlas Renewables, and David Brennan, Esq. were present to review the application. Mr. Brennan stated that since the last Zoning Board meeting on September 16, he had prepared a memorandum regarding the public utility use variance standard in New York, and handed up copies of that memorandum to the Zoning Board members. Mr. Brennan summarized the applicant's position on the public utility use variance standard, discussed the Brunswick moratorium on community solar projects, and noted that there had been no change in the Town Zoning Law concerning solar projects after the moratorium expired. Mr. Brennan stated that the major issue before the Zoning

Board was the legal standard to be applied for this application, that it was his opinion that the public utility use variance standard should be used, and that that issue must be addressed before any further submissions. The Zoning Board members stated that they would review the memorandum handed out by Mr. Brennan and be prepared to discuss it at the next meeting. This matter is placed on the November 18, 2024 agenda for further deliberation.

The third item of business on the agenda was an application for sign variances submitted by AJ Signs for property located at 625 Hoosick Road. Carly Clark, of AJ Signs, was present to review the application. Ms. Clark stated that a temporary sign for the new business on the property had been installed since the last Zoning Board meeting, and that photos of the site had been submitted since the last meeting, which she reviewed. Ms. Clark also stated that the applicant was open to eliminating the proposed sign on the side of the building if the free-standing monument sign were approved. Member Lockrow asked about the submitted photo from the perspective of a car on Leonard Avenue pulling out onto Hoosick Road, noting that cars would be more likely to pull up to the edge of Hoosick Road than stop at the crosswalk at the end of Leonard Avenue, meaning that a telephone pole at the corner of Leonard Avenue and Hoosick Road would likely have a greater visual impact than the proposed monument sign. Member Mainello agreed, stating that the monument sign may not have much visual impact at all. The Zoning Board discussed the location of the proposed monument sign, establishing that it would be 9 feet from the sidewalk along Hoosick Road and 2.5 feet from the front property line. The Zoning Board noted that the prior request for a monument sign was made in 1999 and was denied, but that the Zoning Board must review the current application in light of current conditions on Hoosick Road. Acting Chairperson Curran stated that the application stated that the speed limit along Hoosick Road in front of the project site was 40 miles per hour and asked if that was correct. Member Mainello

stated that there was no speed limit signage along Hoosick Road until a 40 miles per hour sign near the Ted's Fish Fry. Attorney Gilchrist asked to clarify specifically what variances were required, noting that a variance for the total number of signs on the site was no longer being requested due to the sign on the side of the building being eliminated. Attorney Gilchrist listed the three variances being sought: front setback of the building on which the wall sign is proposed from the front lot line; the amount of road frontage for the parcel; and front setback of the freestanding sign from the front lot line. A public hearing on this application is scheduled for November 18, 2024 at 6:00pm.

The fourth item of business on the agenda was an area variance application submitted by CVE North America, Inc. for property located at 511 McChesney Avenue Extension. Carrie Cosentino, Project Developer with CVE North America, was present to review the application. Ms. Cosentino reviewed the project, stating that there were two solar projects proposed for the site, that the Town zoning regulations require buried utility lines, that National Grid requires above-ground utility poles, and that the applicant was therefore proposing four 20-foot-tall utility poles along the access road to the project site. Ms. Cosentino stated that the remaining utilities on the site would be underground, then reviewed a visual assessment report, which included renderings of the site. Attorney Gilchrist stated that the visual assessment report had been submitted to the Planning Board, along with drone video of several locations near the project site showing the visual impact of the project from those sites. Attorney Gilchrist reviewed the current status of the project's SEQRA review, stating that the review was continuing at the Planning Board, that the Zoning Board could take no further action until the Planning Board acted on the project under SEQRA, and that a joint public hearing with the Planning Board on the applications before both Boards was a possibility. Member Mainello asked if the utility poles were shown on the visual

assessment. Ms. Cosentino stated that they were not shown, but could be added. Acting Chairperson Curran asked where the access road was. Ms. Cosentino stated that the access road was an existing driveway from McChesney Avenue Extension to an existing house on the property. This matter is adjourned without date pending further Planning Board action.

The fifth item of business on the agenda was an appeal submitted by Zachary Froio for property located at 502 Pinewoods Avenue. Amy Bellantoni, Esq., attorney for the appellant, and Zachary Froio were present. Ms. Bellantoni stated that the appellant was appealing the determination of the Brunswick Building Department that the appellant's special use permit application filed earlier in the year was for a use that was not in compliance with the Town Zoning Law. Attorney Gilchrist reviewed the procedure on the appeal, including a public hearing at which the appellant may present its arguments, the Building Department may present its position, and the public may offer comments. Following the close of the public hearing, the Zoning Board will deliberate and make a determination on the appeal. A public hearing on this application is scheduled for November 18, 2024 at 6:15pm or as soon thereafter as may be heard.

The index for the October 21, 2024 regular meeting is as follows:

1. Hilton – area variance (approved).
2. Atlas Renewables (Brunswick & Sycaway Solar) – use variances (November 18, 2024).
3. AJ Signs – sign variances (November 18, 2024).
4. CVE North America – area variance (adjourned without date).
5. Froio – appeal (November 18, 2024).

The proposed agenda for the November 18, 2024 regular meeting is as follows:

1. AJ Signs – sign variances (public hearing to commence at 6:00pm).
2. Froio – appeal (public hearing to commence at 6:15pm).
3. Atlas Renewables (Brunswick & Sycaway Solar) – use variances.