

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 DECEMBER 16, 2024

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

ABSENT was 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 November 18, 2024 regular meeting were reviewed. There were no edits or corrections to be made. Chairperson Clemente made a motion to approve the minutes of the November 18, 2024 regular meeting without correction, which was seconded by Member Curran. The motion was unanimously approved and the minutes of the November 18, 2024 regular meeting were approved.

The first item of business on the agenda was an application for sign variances submitted by AJ Signs for property located at 625 Hoosick Road. No one was present for the applicant. Chairperson Clemente stated that a public hearing on the application had been opened at the previous meeting on November 18 and kept open, and that if there was any member of the public that wanted to comment on the application, they could do so. Pam Harbour, of 14 Leonard Avenue, stated that she had spoken at the November 18 and wanted to speak again. Ms. Harbour stated that she had no objections to the signs proposed for the outside of the building, but was very against

the initially proposed monument sign, as well as the newly proposed pylon sign. Ms. Harbour stated that the pole for the pylon sign, which was now proposed instead of the monument sign, was proposed to be 30 inches wide, which she considered far too wide, that a 30-inch-wide pole would create visual obstructions, and that it would be more appropriate for a pole for a single sign to be about 12 inches wide. Ms. Harbour suggested that the 9-1-1 address required to be on the sign be printed vertically on the pole, not horizontally as currently proposed, in order to reduce the width of the pole. Ms. Harbour stated that she was not objecting to the business on the site having signs, or to the business itself, but to signs that could make turning onto Hoosick Road from Leonard Avenue unsafe. Chairperson Clemente asked if there were any further questions or comments from the public, and there were none. Chairperson Clemente stated that the Zoning Board would normally close the public hearing since there were no further public comments, but that the public hearing should be kept open in this case since the applicant was not present. The Zoning Board agreed to keep the public hearing open. Chairperson Clemente stated that the Building Department should notify the applicant that the public hearing remained open and that the public hearing would be continued at the next Zoning Board meeting on January 27. Mr. McDonald stated that he would notify the applicant. This matter is placed on the January 27, 2025 agenda for continuation of the public hearing.

The second item of business on the agenda was an appeal submitted by Zachary Froio for property located at 502 Pinewoods Avenue. No one was present for the appellant. Chairperson Clemente stated additional submissions had been made since the last meeting on November 18 and listed them: a written letter from Jim Tkachik dated December 5, a submission from Town Attorney Thomas Cioffi dated December 9, a written letter from Mark Caruso dated December 9, and an email from a representative of National Grid dated December 9. Member Curran asked why

National Grid had submitted a comment on the application. Chairperson Clemente noted that the appellant's attorney had also asked why National Grid had commented, and stated that National Grid was included on the mailing list for the public hearing notice as it owns property within 300 feet of the project site. Chairperson Clemente stated that due to the appellant and appellant's attorney not being present, the matter should be held over to the January 27 meeting. Attorney Gilchrist discussed procedural options for the Zoning Board, stating that the public hearing was closed at the end of the written comment period on December 9 and that the Zoning Board had 62 days from that date to make a determination. Attorney Gilchrist stated that the Zoning Board members could seek legal guidance from him directly before the January 27 meeting. Attorney Gilchrist stated that the Zoning Board would deliberate at the January 27 meeting on the appeal, after which he would prepare a draft decision for review at the Board's February meeting. Attorney Gilchrist stated that the 62-day period after the close of the public hearing would expire before the Zoning Board's regular February meeting, so the Board should consider a special meeting before that meeting to make a determination. Attorney Gilchrist also stated that the Zoning Board could hold a private session with counsel before its January 27 meeting to discuss the appeal. The Zoning Board members agreed that they would like to meet with counsel before the January 27 regular meeting and asked to meet an hour before that meeting. Attorney Gilchrist stated that a meeting notice would be provided for the private session at 5:00 on January 27, noting that the regular meeting would begin at 6:00. This matter is placed on the January 27, 2025 agenda for further deliberation.

The Zoning Board then returned to the first item of business on the agenda, an application for sign variances submitted by AJ Signs, as Carly Clark, of AJ Signs, was now present. Chairperson Clemente summarized the public comments made earlier in the meeting on the

application, specifically the concerns about the size of the pole for the pylon sign proposed to replace the previously proposed monument sign, and stated that the public hearing would continue at the January 27, 2025 meeting.

The third 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, was present to review the application. Mr. Torrent stated that additional information concerning whether solar energy produced by the project would be sold to consumers had been requested at the last Zoning Board meeting on November 18, and that he had submitted further information via letter dated December 5. Mr. Torrent stated that he was aware that the written submission had not been provided to the Zoning Board members until earlier that day, and that since the Zoning Board members would need time to review the submission, he would only provide a general review for the Board. Mr. Torrent generally reviewed his submission, including comparisons between energy generation by solar power vs. nuclear power, and that solar energy from the project would go from Atlas Renewables to National Grid to customers. Attorney Gilchrist asked about consolidated vs. dual billing as it was described in the response. Mr. Torrent stated that the billing is decided by the “end user,” or customers, not National Grid. This matter is placed on the January 27, 2025 agenda for further deliberation.

The fourth item of business on the agenda was an application submitted by William Keefer for property located at 22 Grange Road. William Keefer and his son, Andrew Keefer, were present to review the application. William Keefer handed out photos of the existing house and renderings of the current house and proposed addition. Mr. Keefer stated that he purchased the house for his son and his son’s family, that he is a friend of the previous owner, who had been trying to sell the

house for many years, and that he was seeking to restore the house to its original condition. Chairperson Clemente stated that there was a question at the last meeting as to whether an area variance or use variance would be required for the restoration work on the house that the applicant was proposing. Chairperson Clemente reviewed both the minutes of the November 18 meeting, which stated that the Building Department had determined that an area variance would be required, and the application materials, which suggested that a use variance was being sought. Chairperson Clemente asked Attorney Gilchrist to briefly review the differences between area and use variances. Attorney Gilchrist generally reviewed the concept of variances, stating that use variances were required where the proposed use on a parcel is not allowed under the Town Zoning Law, while an area variance is required where the proposed use is allowed under the Town Zoning Law, but relief is needed from area and bulk standards, such as for setback or lot coverage. Chairperson Clemente read the Building Department denial of Mr. Keefer's application for a building permit dated October 31, which cited Section 160-104(E)(2) of the Town Zoning Law, which states that no nonconforming structure may be enlarged, extended, or altered. Chairperson Clemente stated that the Building Department's denial of the building permit suggested that an area variance was required, and that the Zoning Board had previously addressed other applications seeking the expansion of a nonconforming structure through an area variance. Chairperson Clemente stated that the applicant needed to edit the application to clarify that an area variance was being sought, and that there was no need to submit a new application or pay an additional application fee. This matter is placed on the January 27, 2025 agenda for further deliberation.

There was no new business to discuss.

The index for the December 16, 2024 regular meeting is as follows:

1. AJ Signs – sign variances (January 27, 2025).
2. Froio – appeal (January 27, 2025).
3. Atlas Renewables (Brunswick & Sycaway Solar) – use variances (January 27, 2025).
4. Keefer – area variance (January 27, 2025).

The proposed agenda for the January 27, 2025 regular meeting is currently as follows:

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