

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 FEBRUARY 24, 2020

PRESENT were ANN CLEMENTE, CHAIRPERSON, MARTIN STEINBACH, E. JOHN SCHMIDT, WILLIAM SHOVER, and PATRICIA CURRAN.

ALSO PRESENT was CHARLES GOLDEN, Brunswick Building Department.

Chairperson Clemente reviewed the agenda for the meeting as posted on the Town signboard and Town website.

The draft minutes of the January 27, 2020 meeting were reviewed. Chairperson Clemente asked Mr. Golden whether the photographs discussed at the bottom of page 4 of the January 27 meeting minutes were received from Ms. Arthur regarding the White Church Lane sign variance application. Mr. Golden confirmed that the photographs had been received by his office. Chairperson Clemente further clarified at page 13 of the January 27 meeting minutes that the sign variance application concerning the Walmart store did not include the existing signs at that location, and that the sign variance application addressed only the new proposed signage in connection with the online sales pickup area. Attorney Gilchrist confirmed that the application pertained only to the new proposed signage, and that this issue would be clarified when that matter came on for discussion. The members had no further comments regarding the draft minutes. Member Shover made a motion to approve the January 27, 2020 minutes without amendment, which motion was seconded by Member Schmidt. The motion was unanimously approved, and the minutes of the January 27, 2020 meeting were approved without amendment.

The first item of business on the agenda was the sign variance application submitted by AJ Sign Company for the Brunswick Church located at 42 White Church Lane. This matter was on the agenda for continuation of the public hearing. Chairperson Clemente noted that a number of oral and written comments had already been received into the record on this sign variance application, and that comments to be submitted at this continuation of the public hearing would be limited to any new items or comments not previously received by the Zoning Board. Chairperson Clemente requested that the applicant present any updates on the application. It is noted for the record that the applicant was not in attendance at this meeting. Chairperson Clemente then opened the floor for receipt of comment, again noting that comments should be limited to any new items or issues that had not previously been received into the record by the Zoning Board. Jennifer Polley, 18 White Church Lane, stated that she had her mother on her cellphone, and would like the opportunity to have her mother speak to the Board on her cellphone speaker. Chairperson Clemente stated that the meetings are recorded by the Zoning Board and made a public record, and it will likely be difficult to hear any comments by her mother over a speakerphone and likely would be difficult to have her comments clearly recorded on the public record. Jennifer Polley stated that she had met with her neighbors and representatives of the church as suggested after the last Zoning Board meeting, but that the church did not want to discuss the issue of the proposed sign. Further, Ms. Polley stated that the statement made by Nikki Campbell of the Brunswick Church at the last Zoning Board meeting that the church was seeking to construct a digital sign because wooden signs like the current one are not available on the market was not true, as they are available on the market and were easily identified on the internet by Ms. Polley. Ms. Polley confirmed that written comments submitted by neighbors summarized the neighbors' position on this application. Randy Foster, 30 White Church Lane, asked where the NYSDOT right of way for Route 351 is located, and whether the proposed sign is within the

NYSDOT right of way. Mr. Golden stated that the sign is located on property owned by the Brunswick Church, that the sign is 28 feet away from the soft shoulder of the highway, and is within the Brunswick Church parcel. Ms. Polley again commented on the issue of whether the sign needed to be on the same individual lot on which the church was located. The Zoning Board indicated that this comment had previously been received, and will be analyzed by the Zoning Board in making its determination. Hearing no further public comments, Chairperson Clemente closed the public hearing on the sign variance application submitted by AJ Sign Company for the Brunswick Church. Attorney Gilchrist stated that the Zoning Board now had a period of 62 days in which to issue a determination on the sign variance application; that the applicant should formally respond to the public comments received on the sign variance application; and that it is advisable for the Zoning Board to reach out to NYSDOT and seek an opinion on the sign installation, given the number of comments received by the Zoning Board raising the issue of public safety on NYS Route 351. Chairperson Clemente agreed, and requested that Mr. Golden contact the applicant on responses to the public comments, and to forward the application materials to NYSDOT for review and comment. This matter is placed on the March 16 agenda for further deliberation.

The next item of business on the agenda was an area variance application submitted by Donald White for property located at 50 Sycaway Avenue. The applicant seeks an area variance for the construction of a detached in-law apartment at that location. Mark Danskin, land surveyor, was present for the applicant. Mr. Danskin presented an overview of the application, which seeks an area variance in connection with the proposed in-law apartment; there is an existing house, patio, and garage located on the lot at 50 Sycaway Avenue; the lot is located in the R-9 Zoning District, but it is irregularly shaped which limits the area where the proposed in-law apartment and the detached structure can be located; this necessitates an area variance for both the rear lot line and front lot line

setback requirements; that the proposed new structure would be situated on the lot to be consistent with the front line of the existing house on the structure, but that this would require a rear setback of only 17.9 feet. The Zoning Board opened the public hearing on the application. The notice of public hearing was read, noting that the public hearing notice was published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Chairperson Clemente opened the floor for the receipt of public comment. Charles Benoit, 10 Coolidge Avenue, stated that he thought this was a great idea and that he had no problem with the application; inquired when the project was proposed to start, with the owner stating he intended to construct during the late summer of 2020; and further asked about hours of construction, with the property owner stating no construction would occur after dark. Rich Marchione, 12 Horton Avenue, stated this was a dense neighborhood already; that this was the only semi-open area in the neighborhood; that construction of this new structure would make it even more crowded in the neighborhood; and asked whether the proposed in-law apartment would be limited to family only. Attorney Gilchrist stated that the Brunswick Zoning Law allowed accessory apartments in this Zoning District subject to special use permit and site plan review by the Planning Board, and would not be limited to family members only. Mr. Marchione wanted to confirm that the front line of the new structure would be in line with the front of the existing house on the lot. Mr. Danskin confirmed that location. Kelly Morrisey, 8 Horton Avenue, inquired whether the project would impact property values in the neighborhood; that she had a concern regarding density; that she had a concern that the rental unit would be used for college students; and had questions on where the proposed structure would be located in relation to her property. Chairperson Clemente noted that the proposed accessory apartment structure would be consistent with other detached structures located in the neighborhood. Mr. Marchione inquired if a special use permit would still be required if the

accessory apartment were included in an attached addition to the existing home on the lot. Attorney Gilchrist stated that a special use permit would be required for any accessory apartment, whether within the primary structure or in a detached accessory structure. Members of the Zoning Board also had questions on the application. Chairperson Clemente inquired as to whether any plantings were proposed to be installed in the rear of the new structure. Mr. Danskin said that none are currently planned, but they can be considered as a condition if required by the Zoning Board. Chairperson Clemente also inquired about the existing trees along the rear property line, and whether they will remain in place. Mr. Danskin said they will not be removed, and in fact are right on the property line and intermingled with a fence between the lots. Chairperson Clemente also inquired about a large deciduous tree in the front of the property near a utility pole, and whether that would stay. Mr. Danskin stated that the large tree would stay, and will be located between the current driveway and the proposed new driveway. Chairperson Clemente asked whether a new curb cut is needed. Mr. Danskin stated that a curb cut is not required, as the driveway will merely start at the edge of the existing road pavement. Mr. Danskin stated that he could respond to the public comments on the record. Mr. Danskin confirmed that hours of construction for the new structure would be normal construction hours, with no construction activities after dark; that the owner will agree to add vegetative screening to the rear of the new proposed structure; and that the style of the proposed structure will blend into the character of the existing neighborhood; Mr. Danskin also stated that use of the accessory apartment for non-family members would be an issue for the Planning Board to address, during the special use permit review; and that while he acknowledges the neighborhood in general is dense, the location of structures on the White lot is not dense and the addition of this new structure would not result in a significant impact to the neighborhood. Chairperson Clemente asked whether any written comments had been received from the Building Department. Mr. Golden

confirmed no written comments had been received on this application. Pat Poletto, 35 Mellon Avenue, stated that there are other lots in this neighborhood that have existing two-car garages that look similar to this proposed new structure, including directly across the street; that some of these two-car detached garages are one-story and some appear to be 1.5 stories. Mr. Danskin confirmed that the proposed accessory structure on the White lot will be one story. Mr. Danskin confirmed that the proposed front building lines for both the existing home as well as the proposed new structure will be the same. Chairperson Clemente asked whether there were any further comments on the application. Hearing none, Chairperson Clemente closed the public hearing on the White area variance application. Chairperson Clemente confirmed that the Zoning Board members were prepared to deliberate on the application. Chairperson Clemente stated that this application seeks a lot line variance for a residential use, and constitutes a Type 2 action under SEQRA. The Zoning Board members then reviewed the elements to consider in connection with balancing the benefit to the applicant in granting the variance as opposed to any detriment to the neighborhood in particular or the Town in general. As to whether the proposed variance would result in an undesirable change in the character of the neighborhood or create a detriment to nearby properties, Chairperson Clemente stated that other neighboring properties in the neighborhood had similar detached accessory structures, and that the proposed structure on the White lot would be similar in character. All members of the Zoning Board concurred. As to whether a feasible alternative existed, Member Schmidt stated that he couldn't see any other place on the lot to construct this accessory structure that would not need a variance, given the irregular shape of the lot. All members concurred. As to whether the requested area variance is substantial, Member Shover stated that it can be considered substantial in that 30-foot front and rear setbacks are required under the Brunswick Zoning Law, and the applicant seeks a 19.7-foot front setback and a 17.9-foot rear setback; having said that, Member Shover stated

that the owner is going to match the front building line with the existing house on the lot, making the new accessory structure blend in nicely from the front lot line, and this necessitates the rear setback of 17.9 feet for the proposed size of the accessory structure. Chairperson Clemente noted that the owner had made the effort in planning this project to site the accessory structure in an appropriate spot on the lot, and to request the least variances that were possible for the project. As to whether the variances would result in an adverse effect on the physical or environmental conditions in the neighborhood, Member Shover noted that the Planning Board should address the future use of the accessory apartment when reviewing the required special use permit; with respect to the location of the accessory structure on the lot, this would not result in an adverse effect on the physical or environmental conditions in the neighborhood. Chairperson Clemente noted that all building and construction code requirements would need to be met, and the appropriate building permit issued by the Building Department. As to whether the difficulty necessitating the need for the area variance is self-created, Member Shover noted that this particular lot is irregular in shape, that with the location of the existing home on the lot there is very little remaining room for the accessory structure without the need for the variance, and in that regard could be considered not to be self-created, particularly in light of the shape of the lot. The members concurred with this opinion. Chairperson Clemente stated that based on consideration of these factors, and in balancing the benefit to the applicant in granting the area variances as opposed to any detriment to the neighborhood in particular or the Town in general, the Board should consider a motion to act on the area variance application. Member Schmidt then made a motion to approve the requested area variances, subject to the following conditions;

1. Planting of a vegetative screen between the new proposed accessory structure and the former Barringer parcel located at 8 Horton Drive, consisting of 6-foot high

blue spruce approximately 6–8 feet on center, but subject to final approval by the Building Department.

2. Subject to special use permit review by the Brunswick Planning Board with respect to the proposal to use the accessory structure as an accessory apartment.

The motion was seconded by Member Steinbach. The motion was unanimously approved, and the requested area variances granted subject to the stated conditions.

The next item of business on the agenda was the area variance application submitted by Edward Francis Malone Jr. for property located at 137 Bald Mountain Road. The applicant seeks an area variance to allow for the construction of an addition to an existing one-story house on that property. Edward Malone was present. Mr. Malone explained that he had previously obtained an area variance for the construction of this addition to his house, and the variance was a 1.6-foot variance from the required setbacks based upon information at that time, but further survey work shows that a variance of 5 feet from the required setback is needed. Mr. Malone also explained that this is a corner lot, so he is confronted with two front yard setback requirements when planning the addition to his house. Mr. Malone confirmed that there were no changes to his application from the last Zoning Board meeting. The Zoning Board then opened the public hearing on the area variance application. The notice of public hearing was read into the record, noting that the public hearing notice had been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Chairperson Clemente opened the floor for receipt of public comment. No members of the public wished to provide any comment. No members of the Zoning Board had any questions or comments on the application. Thereupon, Chairperson Clemente closed the public hearing on the Malone area variance application. Chairperson Clemente confirmed that the Zoning Board was prepared to deliberate and

act on this application. Chairperson Clemente stated that this application sought a lot line variance in connection with a residential use, and constitutes a Type 2 action under SEQRA. In considering the elements to be considered in connection with the area variance request, Chairperson Clemente commented that she did not feel that this area variance of 5 feet from the required front yard setback for the proposed addition to the house would create any undesirable change in the character of the neighborhood, and that Mr. Malone had taken careful consideration regarding topography on the lot and surrounding owners in locating the proposed addition. The Zoning Board members concurred. As to whether a feasible alternative existed, Chairperson Clemente noted that given the topography of the lot, she did not feel that any feasible alternative for this proposed addition to the house was available. The Zoning Board members concurred. Chairperson Clemente noted that the Zoning Board had previously granted a 1.6-foot variance from the required front yard setback, and did not feel that increasing the extent of the variance to five feet from the required front yard setback was substantial. The Zoning Board members concurred. As to whether the area variance would result in any negative impact to the environmental or physical conditions in the neighborhood, Chairperson Clemente stated that she did not feel there would be any impacts, that the existing structure itself did not meet the required setbacks, and that the proposed addition will match nicely with the existing house and the surrounding area. The Zoning Board members concurred. As to whether the need for the area variance was self-created, Chairperson Clemente felt that it was self-created but not determinative in this case, and commented that Mr. Malone was diligent in complying with the Brunswick Zoning Law in designing the proposed addition. Based upon this deliberation, and considering the benefit to the applicant in granting the variance as opposed to any detriment to the neighborhood in particular or Town in general, Member Shover made a motion to approve the requested area variance without condition, which motion was seconded by Member Schmidt. The

motion was unanimously approved, and the area variance granted. Mr. Malone was directed to continue to coordinate with the Brunswick Building Department on the addition to the home.

The next item of business on the agenda was the area variance application submitted by Andrew Golden for property located at 12 Victoria Avenue. The applicant seeks an area variance for the construction of an accessory two-car garage structure on this location. Mr. Golden recused himself from participation in any review of this application, and left the meeting room. Andrew Golden generally described the proposal, where he seeks to construct a two-car garage on the property located at 12 Victoria Avenue, with the rear of the proposed garage being located 8 feet from the rear lot line, where the Brunswick Zoning Law requires a rear yard setback of 20 feet. The property is located in the R-9 Zoning District. Andrew Golden confirmed that there were no changes from the last meeting. Andrew Golden stated that the size of the proposed two-car garage will be 24-feet by 24-feet, single-story. The Zoning Board then opened the public hearing on the area variance application. The notice of public hearing was read into the record, noting that the public hearing notice was published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Chairperson Clemente opened the floor for receipt of public comments. No members of the public wished to provide any comment. Chairperson Clemente asked about the height of the proposed garage. Andrew Golden stated that the height would be 16 feet to the peak of the roof. Member Steinbach asked whether it was Mr. Golden's intent to continue the driveway in gravel to the new garage. Andrew Golden stated that was his intent, and would have the driveway in gravel to the new garage. Member Steinbach asked about the character of the rear of the lot where the garage is proposed to be built. Andrew Golden stated that there was an existing 6-foot high wood privacy fence, but that there are no other trees or vegetation. Member Schmidt asked whether a one-car garage would be adequate,

or whether there was an owner need for a two-car garage. Member Schmidt noted that if the garage was limited to one car, the width of the structure would be reduced and the structure could be moved more forward on the lot, reducing the extent of any needed rear yard setback. Andrew Golden stated that it was his desire and need to have a two-car garage, and that he does have two cars and also other equipment that he is seeking to store inside the new garage structure. Hearing no further questions from the Zoning Board members, and no comment from the public, Chairperson Clemente closed the public hearing on the Golden area variance application. The Zoning Board members proceeded to deliberate on the application. Chairperson Clemente stated that this application seeks a lot line variance in connection with residential use, and constitutes a Type 2 action under SEQRA. In considering the elements to review in connection with the area variance request, Chairperson Clemente noted that proposed two-car garage would not be inconsistent with the character of the neighborhood and would not create a detriment to nearby properties, as she noted there were several detached garages and sheds in the immediate neighborhood. The Zoning Board members concurred. As to whether a feasible alternative exists, the Zoning Board members stated that given the topography of this lot, and the need for a two-car garage, there were no other feasible alternatives to place the structure on the lot; the structure could not be moved forward on the lot given topographic conditions; and Chairperson Clemente noted that the lot was unique in shape, giving rise to the difficulty in placing the proposed garage in an area consistent with the required rear yard setback. As to whether the variance was substantial, the Zoning Board members concurred that the extent of the variance relative to the lot size could be deemed substantial, but did not feel there was any feasible alternative to this location and the required size of the garage. The Zoning Board members concurred that there would not be any impact to the physical or environmental conditions in the neighborhood as a result of the area variance, with Chairperson Clemente noting that the use would be consistent

with the character of the surrounding area, and all building code requirements would be required to be met. As to whether the difficulty requiring the variance is self-created, the Zoning Board members did note the irregular shape of the lot and existing topographic conditions, and even if this was deemed to be a self-created need, that factor would not be determinative in this case. Following such deliberations, in consideration of the elements reviewed, and in balancing the benefit to the applicant in granting the variance as opposed to any detriment to the neighborhood in particular or the Town in general, Member Schmidt made a motion to approve the requested area variance without condition, which motion was seconded by Member Shover. The motion was unanimously approved, and the area variance granted. Andrew Golden was directed to continue to coordinate with the Building Department on this matter.

Mr. Golden returned to the meeting room.

The next item of business on the agenda was the sign variance application submitted by Expedite the Diehl/McDonald's, seeking to replace the current drive-thru signage with new menu boards for the McDonald's restaurant located at 780 Hoosick Road. Tara Puntasecca of Expedite the Diehl was present for the applicant. Ms. Puntasecca stated that the project would reduce the extent of an existing variance for signage at this McDonald's restaurant, which the Zoning Board had granted in July 2013. The Zoning Board opened a public hearing on the application. The notice of public hearing was read into the record, noting that the public hearing notice had been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Chairperson Clemente opened the floor for the receipt of public comment. No members of the public wished to provide any comment. Chairperson Clemente inquired about the illumination features of the proposed new signs. Ms. Puntasecca stated that the illumination on the signs was adjustable and could be dimmed if necessary; that the image on

the signboards would be static and changed only three times a day; that the signs were backlit and would not cast a glare; and that the lighting specifications were in the application packet and included on Figure 1.0 in the project plans. Chairperson Clemente inquired as to the operating hours of this McDonald's restaurant. Ms. Puntasecca stated that the McDonald's restaurant at this location was open from 6am to 11pm daily, Monday through Sunday. Chairperson Clemente asked whether the signs could be turned off during non-operating hours. Ms. Puntasecca stated that the sign lights could be shut up during non-operating hours if required by the Zoning Board. Member Steinbach asked whether these replacement signs would continue to be in the back of the building. Ms. Puntasecca stated that they would be located right next to the existing signs, and in the same general location. Hearing no further questions or comments from the Zoning Board members, and no additional public comments, Chairperson Clemente closed the public hearing on the sign variance application. The Zoning Board members proceeded to deliberate on the application. First, the Zoning Board members noted that the recommendation of the Rensselaer County Department of Economic Development and Planning has been received, indicating that the proposal does not have a major impact on County plans and that local consideration shall prevail. Next, the Zoning Board members reviewed the environmental assessment form submitted on the application. Chairperson Clemente made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Steinbach. The motion was unanimously approved, and a SEQRA negative declaration adopted. Proceeding to deliberate on the elements necessary for consideration of the sign variance application, Chairperson Clemente noted that this application really is in the nature of changing out existing signs for new signs, which would reduce the total extent of the sign variance for this location, and did not view this as any change to the character of the area or create any detriment to nearby properties. The Zoning Board members concurred. As to whether a feasible alternative existed, the Zoning Board members

observed that existing signs are already located on the property, and this application merely seeks to change out existing signs for smaller signs, and that this is a part of a national program instituted by McDonald's. As to whether the requested variance was substantial, the Zoning Board members again noted that a previous sign variance had been granted for this location, and the proposed replacement signs actually reduce the extent of the sign variance for this location. The Zoning Board members concurred that this action will not result in any adverse effect on the environmental or physical conditions in the neighborhood; that a SEQRA negative declaration had previously been adopted on this application; and that the new signage would actually increase energy efficiency. As to whether the difficulty is self-created, the Zoning Board members concurred that the difficulty was self-created, but that this factor should not be determinative on this application. In consideration of the deliberation on these elements, and in weighing the benefit to the applicant in granting the sign variance as opposed to any detriment to the neighborhood in particular or the Town in general, Member Shover made a motion to approve the requested sign variance subject to the following conditions:

1. The sign illumination is to be turned off between the hours of 11pm and 6am Monday through Sunday during non-operational hours, and the illuminated signs are allowed to be lit only during operating hours between 6am and 11pm Monday through Sunday.
2. The illumination intensity of the lights must be consistent with the specification sheet included in the application documents at Figure 1.0.

Member Schmidt seconded the motion subject to the stated conditions. The motion was unanimously approved, and the sign variance granted subject to the stated conditions. Chairperson Clemente directed the applicant to continue to coordinate with the Building Department on the necessary sign permits.

The next item of business on the agenda was a sign variance application submitted by Walmart for property located at 760 Hoosick Road. This application seeks approval for the installation of a wall sign and directional signs in relation to the online order pickup parking area. Brad Moore of BRR Architecture of Kansas City was present for the applicant. Mr. Moore generally described the proposed wall sign as well as the individual signs for ten parking stalls being proposed in connection with the online order pickup parking area. With the addition of the proposed signage, total signage at this location will now be 372.96 feet, whereas the Brunswick Sign Law allows a total of 300 square feet of signage at this location. Mr. Moore confirmed that there were no changes to the application. Thereupon, the Zoning Board opened a public hearing on this sign variance application. The notice of public hearing was read into the record, noting that the public hearing notice was published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Chairperson Clemente opened the floor for the receipt of public comment. No members of the public wished to provide any comment. Chairperson Clemente confirmed on the record that this application does not seek approval of the existing signs at the Walmart store, and that the application seeks a sign variance only for the new sign being proposed on the wall for the location of the online order pickup, as well as individual signs for ten parking stalls that would be dedicated for the online order pickup parking area. Member Steinbach confirmed that the five signs located at this site for the Walmart store were previously approved by the Zoning Board through a sign variance process. Member Schmidt asked whether the signage in the individual parking stalls should be considered directional signs. Chairperson Clemente stated these signs, in her opinion, were not directional signs, but merely identified each parking stall as being limited for parking only for online order pickup, and she felt that the Zoning Board should consider these signs in connection with variance application. Mr. Moore confirmed that each of the

parking stall signs would be unique; each would have a specific number; the customer would identify the sign/stall number so that the Walmart employee could deliver the merchandise to the correct parking stall; and that the proposed signs for the parking stalls were not traditional directional signage. Chairperson Clemente inquired whether the wall sign would be illuminated. Mr. Moore confirmed that the online merchandise pickup was not operated as late as general store hours, and therefore the new wall sign is not illuminated, and will only be shown as a result of the existing parking lot lights. The Zoning Board members also confirmed that six of the proposed ten parking spots for the online pickup would be covered with a canopy, and four of the spaces would remain open. The Zoning Board members had no further questions or comments. No further public comments were submitted. Thereupon, Chairperson Clemente closed the public hearing on the sign variance application submitted by Walmart. The Zoning Board proceeded to deliberate on the sign variance application. First, the Zoning Board members confirmed that the application to amend the site plan for this Walmart facility concerning the online order pickup area remain pending in front of the Planning Board. Next, the Zoning Board members reviewed the environmental assessment form submitted on the application. Chairperson Clemente made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Steinbach. The motion was unanimously approved, and a SEQRA negative declaration adopted. In considering the elements required for review in connection with the sign variance application, Chairperson Clemente noted that the signage being proposed was consistent with the character of the Hoosick Road commercial corridor, and would not create a detriment to nearby properties. All Zoning Board members concurred. As to whether a feasible alternative existed, the Zoning Board members did note that there were certain requirements of Walmart in terms of sign size in connection with the online order pickup, and that the signs were not out of character with the remaining signage on this Walmart building. As to whether the variance for

the total square footage of signs was substantial, the Zoning Board members did not find allowing 372.96 square feet of signage at this location to be substantial; however, the Zoning Board members did note that the Brunswick Sign Law allowed a total of two signs at this commercial location, that there were five signs currently permitted at this location, and that the current application seeks one additional wall sign plus ten parking stall signs, which would result in a total of 16 signs at this location. Member Steinbach noted that from a numerical standpoint, this sign variance would be deemed substantial; however, he felt that the total number of signs should be considered in relation to the total size of this building; that the signage is not directly abutting the Hoosick Road corridor but is rather deeper into the commercial project site; that the signage for the ten parking stalls would not be visible from Hoosick Road; and that, given the size of this building, the total number of signs did not seem intrusive. Chairperson Clemente also noted that the ten individual parking stall signs were being installed for customer convenience, and not necessarily for commercial advertising purposes. The Zoning Board members concurred that there would not be any adverse environmental or physical impact to the immediate neighborhood or the Town in general as a result of this sign variance. The Zoning Board members concurred that the need for the variance was self-created, but that on this application, that factor was not determinative. In light of this deliberation, and considering the benefit to the applicant in granting the requested sign variance as opposed to any detriment to the neighborhood in particular or the Town in general, Member Steinbach made a motion to grant the sign variance application as requested, which motion was seconded by Member Schmidt. The motion was unanimously approved, and the sign variance application granted without condition. The applicant was directed to continue to coordinate with the Brunswick Building Department on the necessary sign permits.

Four items of new business were discussed.

The first item of new business discussed was a sign variance application submitted by Sign Studio, Inc. for the Hoffman Carwash located at 672 Hoosick Road. Ron Levesque of Sign Studio was present for the applicant. Mr. Levesque stated that the sign variance request was being submitted in connection with the current façade rehabilitation project that is occurring at this location. Mr. Levesque confirmed that the total square footage of the signage being proposed was compliant with the Brunswick Sign Law, but a total of five signs are proposed for this location where the Brunswick Sign Law allows a total of two signs at this location. Mr. Levesque confirmed that there were two existing free-standing signs, and the replacement signs on the building will include the Hoffman brand above the carwash tunnel facing Hoosick Road, and also two “touch-free” signs both in the front and the rear of the touch-free wash area. The Zoning Board members reviewed the application materials, and deemed them complete for purposes of scheduling the public hearing. This matter is scheduled for public hearing for the March 16 meeting to commence at 6:15pm.

The second item of new business discussed was a side yard setback area variance submitted by Carl Cacciotti for property located at 81 Sweetmilk Creek Road. Mr. Cacciotti was present on the application. Mr. Cacciotti explained that he was proposing to construct an attached garage to house vehicles, but the garage addition would be 10 feet 4 inches from the side yard lot line, where a side yard lot line setback of 15 feet is required. The Zoning Board members reviewed the application documents and deemed them to be complete for purposes of scheduling a public hearing. This matter is scheduled for public hearing at the March 16 meeting. **[Application subsequently withdrawn]**

The third item of new business discussed was an area variance application submitted by Lynn Currier for property located at 9 Bleakley Avenue. The applicant seeks to construct a detached accessory structure to be used as a two-car garage with an accessory apartment. The proposed structure would be located 25 feet from the front lot line, where the Brunswick Zoning Law requires

a front yard setback of 35 feet. In addition, the proposed accessory structure would be located closer to the front lot line than the primary structure on the lot. The Zoning Board members reviewed the application materials and deemed them complete for purpose of scheduling a public hearing. This matter is placed on the agenda for the March 16 meeting, with a public hearing to commence at 6:30pm.

The fourth item of new business discussed was an area variance application submitted by Terence Frederick for property located at 3697 NYS Route 2. Mr. Frederick was present for the application. Mr. Frederick stated that he was seeking to construct a one-car garage on this lot, located in the R-15 Zoning District, but that given the configuration of the lot, the garage is proposed to be located 18.2 feet from the front yard lot line where a front yard setback of 60 feet is required under the Brunswick Zoning Law. Mr. Frederick did state that the garage would be five feet behind the front building line of the house on the lot. The Zoning Board members reviewed the application materials, and deemed them to be complete for purpose of scheduling the public hearing. This matter is placed on the March 16 agenda, with a public hearing to commence at 6:45pm.

Mr. Golden reviewed the proposed vegetation plans/screening plan submitted by Borrego Solar with respect to the large-scale solar energy facility located at the end of Dusenberry Lane. The Zoning Board members generally discussed the proposed vegetative plan/screening plan, and provided comments to Mr. Golden. It is noted that the project approvals required this vegetative plan/screening plan, subject to final approval of the Brunswick Building Department, and Mr. Golden was seeking input from the Zoning Board members on the proposed plan.

The index for the February 24, 2020 regular meeting is as follows:

1. AJ Sign Company - Sign variance - March 16, 2020;
2. White - Area variance - Approved with conditions;

3. Malone - Area variance - Approved;
4. Golden - Area variance - Approved;
5. Expedite the Diehl/McDonald's - Sign variance - Approved with conditions;
6. Walmart - Sign variance - Approved;
7. Sign Studio, Inc. - Sign variance - March 16, 2020 (public hearing to commence at 6:15pm);
8. Cacciotti - Area variance - **WITHDRAWN**;
9. Currier - Area variance - March 16, 2020 (public hearing to commence at 6:30pm);
10. Frederick - Area variance - March 16, 2020 (public hearing to commence at 6:45pm).

The proposed agenda for the March 16, 2020 regular meeting currently is as follows:

1. AJ Sign Company - Sign variance;
2. Sign Studio, Inc. - Sign variance (public hearing to commence at 6:15pm);
3. Currier - Area variance (public hearing to commence at 6:30pm);
4. Frederick - Area variance (public hearing to commence at 6:45pm).