

## **Zoning Board of Appeals**

TOWN OF BRUNSWICK

336 Town Office Road

Troy, New York 12180

### **TRANSCRIPT OF THE BRUNSWICK ZONING BOARD OF APPEALS SPECIAL MEETING HELD MAY 27, 2020**

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

ALSO PRESENT was CHARLES GOLDEN, Brunswick Building Department.

Pat Poletto: Good evening, everyone. How's everyone tonight? Ann, are you here?

Chair Clemente: Hi, Pat. Yes.

Pat Poletto: Well it's almost 6:00. Why don't we go over a couple ground rules before we get going here? We still got people coming, but...OK so this is going to the special Board meeting for the Zoning Board of Appeals for Wednesday, May 27, 2020. Can everybody see the message I have up there? OK. Let's go over a few rules and we can get going here. So we are recording this on Zoom tonight. This is Pat, I'm the moderator. When you talk, please state your name. If you're a Board member, say you're a Board member, consultant, or who you're representing please. Because we're going to have to get a transcript of this and so with a person doing the transcript, we'll need to know who is talking. Sounds a little weird at first but before you start talking, please state your name. OK. And so to make this run smooth with as little technical difficulty as possible, if you're not talking please mute your audio so we don't hear everybody's background and stuff like that. When speaking, like I said, please state your name. You're encouraged to use headphones with a microphone, that way you don't get as much feedback when you talk. If you don't have it that's fine too. If there are two or more of you watching the meeting from the same room, please make sure you only have one person's audio on. Ann, it's all yours.

Chair Clemente: Thanks very much, Pat. Thanks for laying down those ground rules.

Pat Poletto: You didn't state your name, Ann.

Chair Clemente: You're right. Ann, Chair. I call this meeting to order. The special meeting of the Zoning Board of Appeals for Wednesday, May 27, 2020. And we'll begin by saying the Pledge of Allegiance.

**[Pledge recited]**

Chair Clemente: I'd like to welcome everyone. Welcome our members. I'll introduce our members for tonight. We have Martin Steinbach, John Schmidt, Bill Shover, Patricia Curran and myself, Ann Clemente, Chair of tonight's meeting.

Pat Poletto: Can I make one more suggestion? After the Board member's name, I guess it's up in the right hand corner, you can change it. After your name you can put like, Ann, you're the Chairman. And then have the members put member after their name. That way people watching the Zoom meeting can tell who the members are.

Chair Clemente: OK, fair enough. Thank you.

Chuck Golden: Town Building Inspector. Can I do a roll call attendance?

Chair Clemente: Of course.

Chuck Golden: Chairman Clemente?

Chair Clemente: Here.

Chuck Golden: Member Patricia Curran?

Member Curran: Here.

Chuck Golden: Member John Schmidt? I see John, I think he's muted.

Member Schmidt: How about this? Here.

Chuck Golden: Member Bill Shover? I'm wondering if he was that call-in number. Oh there you are, right there. I see Mr. Shover right there. I will put him down as present. Member Martin Steinbach? I see Member Steinbach's name. I have Mr. Steinbach there. Hopefully he will be able to come off mute and affirm his attendance, but I have his picture there. I have a call from one of the individuals that is supposed to be in the meeting and I will answer that phone call now. Thank you, Ann.

Chair Clemente: I'd like to review our agenda. This is taking the place of the March 16, 2020 meeting. Number 1, we have the AJ Sign variance. For the record, that public hearing was closed on February 24, 2020. The Board has 62 days in which to render a decision. The applicant had withdrawn at this time, so it's not on tonight's agenda. On to the second applicant for the agenda, Sign Studio, Inc. It's a sign variance that concerns 672 Hoosick Road. Our third is an area variance from Lynn Currier at 9 Bleakley Avenue. Then for our last and third public hearing for tonight is Frederick seeking an area variance at 3697 NYS Route 2. After our public hearings, we'll entertain five new business applications. Next what we'll do is look at our draft minutes from our previous meeting which was February 24, 2020. I would make a motion to approve the draft minutes for that meeting if any member would like to second.

Member Curran: I'll second.

Chair Clemente: Thank you, Pat. Just for the record, there was no meeting in March and no Zoning Board of Appeals meeting in April. OK. So our first....

Attorney Gilchrist: Not to interrupt, but one other order of business is when there is action to be taken, we'll need to conduct a roll call vote just to make the record clear. Kind of as a test run, there

was a motion and second to approve the February 24, 2020 minutes as submitted without amendment. And so we should probably do a roll call vote for that motion. So I think given that you're one of the voting members, if it's ok with you I'll run through and conduct the roll call?

Chair Clemente: Sounds good, thank you very much.

Attorney Gilchrist: On the motion to approve the February 24 minutes as submitted. Member Steinbach?

Member Steinbach: Aye.

Attorney Gilchrist: Member Schmidt?

Attorney Gilchrist: If you can remember to unmute yourself so we can have it clear on the record. So again, Member Schmidt? Well we're going to move forward with that. Member Shover? Hm. Interesting. Member Curran?

Member Curran: I approve.

Attorney Gilchrist: And Chairperson Clemente?

Chair Clemente: I approve.

Attorney Gilchrist: So at least on the record, we clearly have the affirmative three votes. We'll figure out the mute for Member Schmidt and figure out participation for Member Shover as we proceed. Thank you.

Chair Clemente: Thank you. So we'll move on to our first item. Notice of public hearing for Hoffman's Car Wash located at 672 Hoosick Road. Attorney Gilchrist, would you like to read the notice of public hearing? Each one, there are two paragraphs. So perhaps for this first application you want to read the entire notice of public hearing and then maybe subsequent notices, maybe just the first paragraph if you agree with that.

Attorney Gilchrist: I do apologize, Chairperson Clemente. I don't have the written public hearing notices in front of me. I know they are on the website and they were published in the Record but unfortunately given the setup I don't have them in writing in front of me. Given that the Zoom meeting is occurring, I can't get to them electronically. If you do have them, you could read them into the record.

Chair Clemente: Certainly. So, notice is hereby given that a public hearing that a Public Hearing will be held by the Zoning Board of Appeals at 6:00 p.m. on Wednesday, May 27, 2020, concerning the application for sign variance submitted by Sign Studio Inc. for the Hoffman's Carwash located at 672 Hoosick Road. Applicant seeks approval to allow a total of five signs where the Brunswick Sign Law allows a total of two signs at this location. Pursuant to the Governor's Executive Orders 202.1 and 202.15, the Town of Brunswick will be holding the May 27, 2020 Zoning Board of Appeals meeting over the internet, accessible to the general public through the Zoom video conferencing platform. Direction on participating in the May 27 remote Zoning Board of Appeals meeting, as well as copies of the sign variance application for public inspection, will be

available on the Town of Brunswick website. All interested persons will be heard at the Public Hearing. And this was placed on the Town signboard, in our newspaper of record which is the Record, and also on the website.

Attorney Gilchrist: If we could also confirm for the record that the public hearing notices were mailed as well to owners of properties located within 300 feet of the project site.

Chair Clemente: Thank you for that addition. That's correct. I would like then to ask the representative if they would like to give a little summary of this project.

Ron Levesque: I'm here representing Hoffman Car Wash located at 672 Hoosick Road requesting a sign variance for three additional signs. Currently, a little background is that there was an additional sign on the building. It was a sign that directed people to a touch-free carwash, which is very common for businesses that have drive-thru services to have an additional sign. We also have one free-standing sign and it's interesting to note that the one free-standing sign actually encapsulates two signs. So if you were to go to the facility, you would only see actually one sign but they actually count as two signs because there's a secondary message attached to it. It's very common in this Town of Brunswick that when you have a free-standing sign you also see a complimentary building sign. And for Hoffman Car Wash, we'd like to have the same respect as other businesses had in putting the Hoffman Car Wash logo on the building. And I'm sure that most people have seen that there is a reconstruction going on at this time. The building is being done over. What we would call the exit from the tunnel which is parallel to Hoosick Road, right above it where we'd like to put the logo. So it would be right at the exit of the tunnel up above. That would encapsulate the word Hoffman Car Wash with their logo. The other two signs that we're requesting are for the tunnel's touch-free service signs. So we're looking for those to be placed above the tunnels. Currently, we're allowed 300 square feet and two signs. We're requesting five signs with a total square footage of 127.4, which is not even 50% of what is allowed. So I do ask that the Board members take all this into consideration and if you have any questions I'll be free to answer them.

Chair Clemente: Thank you for that summary. Are there any questions at this time from any of the Board members?

**[inaudible, unannounced speaker]:** .....I know the new siding is white. What are the colors of the new signs?

Ron Levesque: The business logo of the Hoffman Car Wash, they have what is called a day/night lettering and color style. So during the day it will be black. So the faces will be black and at night when it lights up it'll light up white. Also keep in mind that when it lights up white at night, it's not going to be your typical clear white light because the black vinyl that's over the top acts as a diffuser. So if you kind of envision a perforated material or say a flat material with a bunch of tiny holes in it. Within those tiny holes the white light pushes through at night and it illuminates white. But, again, it's a diffuser, so it's not an extremely bright light. And then your logo for the Hoffman Car Wash logo has some blue and red accents but that portion of the sign is probably 20% of the overall front logo sign. Then your touch free carwash will incorporate the same day/night color effects; black during the day and white at night. Those signs are only 15-inch tall letters for the touch free. It's not a very big sign, encompasses 15 square feet per sign.

Chair Clemente: Are there any other questions from any of the other members at this time? OK. Not hearing any at this time, the Zoning Board will open the floor for receipt of public comment. If anybody from the public would like to speak for this application or against it, you have the opportunity now to do so. So, hearing no public comments, I would entertain a motion to close the public hearing on this application. So we're at the point now where there's a motion on the table to close the public hearing portion of this application. Not hearing any comment from the public, if there are any other questions from the Board members at this point, we could ask them. If not, if we're clear, then I would ask for one of the members to second the motion to close the public hearing.

No name: I'll second.

Chair Clemente: Thank you.

Pat Poletto: This is Pat the moderator again. Again, before you talk you have to state your name. We will get a transcript of this but the person doing it will not know who is speaking unless you say your name.

Member Steinbach: I will second that.

Chair Clemente: Thank you. Shall we do a roll call to see if we're in favor? Is that how we should proceed.

Attorney Gilchrist: That is how the Board should proceed. And I just want to make it clear for the record, who was the member that made the motion to close the public hearing?

Chair Clemente: I did.

Attorney Gilchrist: Chairperson Clemente made a motion to close the public hearing on the sign variance application for Sign Studio Inc., seconded by Member Steinbach. Now for a roll call vote. Member Steinbach?

Member Steinbach: Aye.

Attorney Gilchrist: Member Schmidt?

Member Schmidt: Aye.

Attorney Gilchrist: Member Shover?

Member Shover: Aye.

Attorney Gilchrist: Member Curran?

Member Curran: Aye.

Attorney Gilchrist: And Chairperson Clemente?

Chair Clemente: Aye. Thank you. So now the Zoning Board members are prepared to deliberate and act on this application. We can look at our standards. I would like to say for the

record that this application was presented to the Rensselaer County Planning Department and they have determined that the proposal does not have any major impact on County plans and local consideration shall prevail. If we want to look at the question.

Attorney Gilchrist: Before you proceed to consideration of the elements for the sign variance, the application is subject to review under the State Environmental Quality Review Act. So the first order of business is to make a determination of environmental significance and again just to review for the members and the record, based upon a review of the application documents and the environmental assessment form submitted, the Board members determine that based on that record there is no potential significant adverse environmental impact from the application, from the action, and you will adopt a negative declaration and conclude the SEQRA review. Alternatively, if you determine that there is the potential for significant adverse environmental impact from the proposed action, then you'll adopt a positive declaration and require further environmental impact analysis.

Chair Clemente: So, give the record and application, I would say that there would be no significant impact and that the Board should adopt a negative declaration under SEQRA.

Attorney Gilchrist: I will presume from that that a motion for adoption of a negative declaration has been made by Chairperson Clemente.

Member Schmidt: I second.

Attorney Gilchrist: Member Schmidt has seconded that motion. Roll call vote. Member Steinbach?

Member Steinbach: Aye.

Attorney Gilchrist: Member Schmidt?

Member Schmidt: Aye.

Attorney Gilchrist: Member Shover? One more time, Member Shover? OK, proceeding.

Attorney Gilchrist: Member Curran?

Member Curran: Aye.

Attorney Gilchrist: And Chairperson Clemente?

Chair Clemente: Aye.

Attorney Gilchrist: We do have a voiced affirmative vote of four members so a SEQRA negative declaration has been adopted. Now the Board to proceed on its deliberation.

Chair Clemente: Thank you. So we're asked to explain how no undesirable change would be produced in the character of the neighborhood nor a detriment to nearby properties created by granting the requested area variance. I would begin by saying that there will be no undesirable change to the character of the neighborhood by granting the sign variance as there are already

commercial signs on the applicant's business structures. Due to the proposed new signs, there would be a reduction in the square footage and also a reduction in the emitted light by granting this variance.

Member Schmidt: I agree 100%

Member Curran: I agree.

Chair Clemente: OK we can then proceed to the second element, which is to explain why the benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue other than the area variance.

Member Steinbach: I agree with the business owner that these additions of signs are traditional signage associated with a business similar to this car wash. I think that they need to achieve certain goals for advertising and this helps them do that.

Chair Clemente: I agree with that. Try to get in order with their new logo. And then we look at the third element, which is to describe whether the requested area variance is substantial. And again I think we should note that the total square footage proposed is 127.4 square feet, well below the allowed 300 square feet.

Member Schmidt: Also there are a lot of signs on that road already and a lot of businesses have more than five signs, actually.

Chair Clemente: And then the fourth, we are to look and see if there are any environmental or physical change as caused by this proposed area variance. I would have to say no, that there would not be any impact to the environment due to this area variance if it was granted. And then lastly, if it's self-created. I think of course that it is, they have an objective that they're trying to meet and it's a worthy one.

Member Steinbach: I have no objection to their desire to add the additional signs and of course it is self-created.

Chair Clemente: Right. So if there is no other further deliberation, we're to consider the balance between the benefit to the applicant as weighed against any detriment to the community at large or the neighborhood in particular and whether or not the Zoning Board of Appeals determines to grant this requested variance.

Member Schmidt: I'd like to make a motion to approve the variance.

Member Shover: I'll second that.

Chair Clemente: We'll take a roll call in favor.

Attorney Gilchrist: We'll do a roll call vote. There is a motion to approve the sign variance application pending. Roll call vote. Member Steinbach?

Member Steinbach: Aye.

Attorney Gilchrist: Member Schmidt?

Member Schmidt: Aye.

Attorney Gilchrist: Member Shover?

Member Shover: Aye.

Attorney Gilchrist: Member Curran?

Member Curran: Aye.

Attorney Gilchrist: And Chairperson Clemente?

Chair Clemente: Aye. The area variance is granted, allowing a total of five signs where the Brunswick sign law allows for a total of two.

Member Shover: Before we go on to the next application, I'd like to explain why I didn't vote on the minutes. I lost my video and had to shut it off and start it up again. I could hear but I couldn't see and I couldn't find any buttons.

Chair Clemente: Thank you for that explanation.

Ron Levesque: Thank you for your time.

Chair Clemente: Thank you. Good luck. Moving down on our agenda, to Currier area variances. There are two.

Lynn Currier: I am present.

Chair Clemente: Thank you and welcome to the meeting. I'll begin by reading the notice of public hearing as this is a public hearing. Notice is hereby given that a Public Hearing will be held by the Zoning Board of Appeals at 6:15 p.m. on Wednesday, May 27, 2020, concerning the application for area variances submitted by Lynn Currier for property located at 9 Bleakley Avenue. Applicant seeks approval of a front lot line setback for proposed accessory structure that is 25 feet, where the Brunswick Zoning Law requires a 35-foot front lot line setback, and also a variance to allow the proposed accessory structure to be located closer to the front lot line than the primary structure on the lot at this location. Again, this was published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to all owners of property adjacent within 300 feet. Ms. Currier, are there any changes to the application at this time that you'd like to explain to us or perhaps give us a little summary of the project?

Lynn Currier: Ma'am, there are no changes. When I purchased the home about 4 ½ years ago, there was no garage on the property. So I am looking to build a two-car garage with a carriage house, pending any of your questions ma'am.



Chair Clemente: Thank you. So we can open up to the Zoning Board members, if they have any questions for the applicant at this time. And then after, we will open up the floor to receipt of public comment. Any questions at this time?

Member Curran: I had a couple questions. What is the height of the building?

Lynn Currier: Are you talking about the building that we would like to build?

Member Curran: Yes.

Lynn Currier: Stand by, please.

Chair Clemente: Looking at the application, is it 24 feet?

Lynn Currier: We're looking at it right now. Is Chuck present?

Chair Clemente: I believe so, he was with us earlier.

Member Steinbach: My interpretation of the plans is that 24 feet is correct, and that would make sense with a two-story structure with probably 8 or 9-foot ceilings and then the added space above.

Lynn Currier: I believe you're correct sir, yes.

Member Curran: So then I have a question to the other Board members. If this is an accessory structure that our Zoning Law says that it can't be more than 20 feet.

Member Steinbach: I think that's correct.

Member Curran: No structure shall exceed 20 feet in height.

Member Shover: I believe that's correct.

Chuck Golden: That is correct. The accessory structure height is 20 feet. The way that this Township measures height is to the mean of the roof. In other words, not the peak, but the middle of the roof from grade to the middle of the roof.

Attorney Gilchrist: The Building Department is correct. Under the Brunswick Zoning Law, building height is not measured to the highest peak of the roof but it does take an average, a mean, of that roof and Building Department correct me if I'm wrong, that's basically taking the mean of the bottom of the roof to the peak, taking the average of that, which constitutes the measurement for the height.

Chuck Golden: Yes that is correct.

Member Curran: Is that where the 24 came from, or did they measure that to the peak?

Attorney Gilchrist: I do see Chuck Golden on the meeting. He appears to be looking at something, but we should defer to Chuck's review of the application documents for the height issue of the accessory structure.

Member Curran: Because on the sketch that was provided, there does not appear to be a measurement at the bottom of the trusses up to the peak of the trusses. And I can't see what the other measurements are going from the base of the two-stories.

Lynn Currier: Can I assume that Chuck is going to answer this question, because I'm not sure.

Chuck Golden: I am looking to try to come up with an answer.

Lynn Currier: Thank you, sir.

Chuck Golden: I am hesitant to use a non-original drawing to scale out the numbers because there is inherent errors in copying. But I will come up with a number using the copy that I have here.

Chair Clemente: So, just to clarify, you're going to use the 24 for height?

Chuck Golden: That is a good question. I'm trying to find the scale, which I had on the original.

Chair Clemente: So while the Building Department is looking into this, Member Curran did you have any other questions?

Member Curran: Yes I had one other question. This is a 30 by 30-foot building and it's two stories. So is that 1,800 square feet because each story is 900 square feet? Or is it 900 square feet? Because, again, our rules say that the structure is not supposed to be more than 1,000 square feet if I'm reading that correctly.

Chuck Golden: I believe accessory structures max out at 1,500 square feet.

Member Curran: Do you take in the total square footage of both floors, or is just the base?

Chuck Golden: It would be living space, my assumption would be both floors.

Member Curran: So that's then 1,800 square feet.

Chuck Golden: Andy, do you agree with that assessment of the two floors of living space?

Attorney Gilchrist: I will defer to the Building Department's interpretation, that is certainly reasonable and the Building Department is the initial party to interpret the Zoning Law. So, I think that interpretation stands on the record. Thanks, Chuck.

Lynn Currier: I'm not sure I understand what the answer is. As far as, you're all talking about different things and I'm not sure of the answers. Is it 900 feet living space or is it  $900 + 900 = 1,800$  square feet because it's two floors? And knowing that we're not going to live on the bottom floor because that's a garage. I don't understand.

Member Curran: But this is an accessory structure.

Lynn Currier: So then the answer is what? 1,500? 1,800? I mean....

Attorney Gilchrist: The Building Department does need to answer that, so, Chuck if we can be clear on the record, your determination as to allowable square footage for accessory structures in the Brunswick Zoning Law and the square footage for this proposed accessory structure for this applicant.

Member Shover: I have a question. What is the use of the carriage house?

Chair Clemente: Member Shover, are you directing that question to the applicant?

Member Shover: Yes, I'm sorry.

Lynn Currier: I didn't understand the question.

Member Shover: What is the use of the carriage house? Is it a living space?

Lynn Currier: It's a living space. Apartment.

Chair Clemente: Ms. Currier I have a question for you as well. Where would be the driveway to access the proposed garage? Would it be from the existing driveway?

Lynn Currier: Yes, ma'am.

Member Curran: I have two questions for the applicant. You said that the carriage house will be used for living space, but will this be a rental property?

Lynn Currier: Yes ma'am, that's what I plan on doing, yes. It's a family member rental.

Member Curran: OK, then my second question is, will any of the existing trees that are on your property there, will they be removed or any of the shrubbery or trees that are between the back of the building you neighbor to the left, will any of that be removed?

Lynn Currier: I believe that we are going to have one tree removed and it's a quite small one. Because there's one to the right that cannot be removed because I believe that is my **[inaudible]** .... yeah the water well. Does that answer your question?

Member Curran: Yes it does, thank you.

Lynn Currier: You're welcome.

Chair Clemente: So, to recap, I believe we're still awaiting a determination from the Building Department about the allowable space. In the meantime, are there any other questions from any other members?

Member Shover: I have a question for either Mr. Golden or Mr. Gilchrist. Is an apartment an allowable use in that zoning area?

Chuck Golden: Accessory apartment is allowable with a special use permit in an R-15.

Attorney Gilchrist: Right, so, one thing that we have to make clear on the record that this is not simply an accessory structure. There is a proposed apartment that does give rise to the need for a special use permit under the Brunswick Zoning Law. I'm not aware, and the Building Department can educate us on this, if the application for special use permit for the accessory apartment has been filed...and that's an application by the way that special use permit application, that's within the jurisdiction of the Brunswick Planning Board....and in such cases the Town had traditionally coordinated the review of those application between the Zoning Board and the Planning Board so they're reviewed concurrently. So, we need to determine on the record if the special use permit application has been submitted.

Chuck Golden: I do not believe it has been. I am looking at accessory apartment special use permit in R-15. No, that has not been submitted. Ms. Currier, can you confirm?

Lynn Currier: I can confirm that is correct. But I will do it as soon as possible if need be.

Attorney Gilchrist: It will be required, my suggestion on the record is there is the variance application that's been submitted and deemed complete by the Zoning Board of Appeals and the public hearing has been opened. Another required review and permit for the application will be the special use permit. As indicated that's generally coordinated between the Planning Board and the Zoning Board of Appeals on the application. And so one option for the Board to consider is to allow time for the applicant to submit the special use permit application, keep the public hearing open, get that application in to the Planning Board, and then the two Boards can coordinate on the application. There will be one SEQRA determination that will be made and then Boards can act on the application. There will also be the necessity for a public hearing in front of the Planning Board on the special use permit application. So that's for consideration by the Board on procedure.

Lynn Currier: I have a question. I guess we're still waiting for Charles Golden to give us an answer on the first question that we had before we can even move forward with the paperwork you're talking about?

Chair Clemente: Are you referring to the maximum height proposed?

Lynn Currier: Yes.

Chuck Golden: My biggest issue with this is I just cannot make out the numbers. I went out searching around for the magnifying glass but I come up with....what should be....you're just going to be slightly over 20 feet on the mean with a 6/12 pitch with a 30-foot run. 20.5. Is there such a thing as a height variance?

Attorney Gilchrist: That would give rise to a supplement to the area variance, yes. It is in the nature of a height variance. The use as an accessory structure in this case, an accessory structure with a proposed apartment, is allowable in the district. So the use is allowed. The issue is going to be not just the location now but also potentially the height. And I would also like to say on the record that the Building Department should confirm that calculation based on original documents before any requests for a variance for the height is submitted. There may not be the need for a height variance based on calculation from original documents. It appears to be quite close to what is

allowed under the Brunswick Zoning Law. But in the event the height does exceed 20 feet, then the area variance can be supplemented seeking the area variance for height.

Chuck Golden: The height measurement is from grade, and obviously we know where the grade is when you go into the driveway or the garage portion of it because your grade has to be at the floor. The back section, if the grade was higher, you would be able to get that number down fairly easily to the 20 feet. You have eight-foot overhang with the decks, but there again you'd like to maintain pitch away from the building. So, I will confer with Mr. Caola and if I can't dig up the originals around here and confirm his nine-foot ceiling height for the garage as well as what looks like, I want to say, eight or nine, I wasn't certain of the second floor height. I assume it's eight foot, but I can confirm with Mr. Caola on that.

Chair Clemente: So we have this application submitted, and do we go ahead and coordinate with the Planning Board for the special use permit?

Attorney Gilchrist: That is one procedural option for the Board to consider given that there is the need for an additional application for the accessory apartment use. The Board does have the option of maintaining the area variance application as submitted subject to confirmation by the Building Department on roof height, height of the accessory structure. You've opened the public hearing, and that could remain open pending submittal of the special use permit application and the Zoning Board, yes, can coordinate with the Planning Board on the review of the complete application. And that would address the requested area variances as well as the requested special use permit for the accessory apartment use.

Member Curran: We still have to deal with the issue of the square footage of the building.

Chuck Golden: I think that's what Attorney Gilchrist was mentioning when he said area of building. We are at 900 per floor and I will dig into the Zoning book and make sure that that floor area is, despite whether its use is for parking of a vehicle or for actually living space.

Member Curran: I have one more question and I'm not even sure if this is an issue for the Zoning Board or if this would be handled through the Planning Board when they submit the application for the special use permit. But there's only one way up to the upstairs to the carriage house, is that an issue as far as in and out in case of an emergency or fire? There's just the one staircase, there's no other way out of the upstairs apartment?

Chuck Golden: The Code states that two forms of egress as long as one of the bedroom windows, for a second floor window, is above 5.7 square foot of clear opening that is your second point of egress. So one set of stairs up is legal as long as you have another point of egress at 5.7 square feet.

Member Curran: OK, thank you Chuck.

Lynn Currier: Can I assume that the second egress, the sliding glass doors in one of the bedrooms would meet that standard or that requirement?

Chuck Golden: Yes, it would.

Lynn Currier: OK thank you.

Chair Clemente: OK, so procedurally as we should go forward: There's a need for the additional application for the accessory use, and we have a pending special use permit application, so perhaps we could keep the public hearing open and then plan to meet with the Planning Board for that area variance and the special use permit?

Attorney Gilchrist: Chairperson Clemente, that would be correct and I think procedurally the Zoning Board will acknowledge that the area variance application remains pending, that the public hearing was noticed and opened, and we should have a motion in a moment to keep the public hearing open. I think in this case, given the special use permit that does need to be submitted for the accessory apartment, I think that motion should also indicate that the public hearing will be re-noticed and continued once the special use permit application has been submitted and initially reviewed by the Planning Board. For the applicant's information, the Planning Board does meet twice a month. The first and third Thursday of the month, which affords an opportunity to get the application in front of the Planning Board and start that review. The Zoning Board does meet once a month, so the ability to coordinate between the two Boards in a timely manner presents itself because the Planning Board does meet twice a month. So, Chairperson Clemente, I think the next order of business if the Board is inclined to do this, is a motion to keep the public hearing open subject to submittal of the special use permit and that the public hearing on the area variances will thereafter be continued and re-noticed.

Chair Clemente: I can make that motion to keep the public hearing open to be re-noticed and continued pending the submittal of the special use permit application.

Member Steinbach: I would second that motion.

Chair Clemente: Thank you. Maybe do a roll call?

Attorney Gilchrist: On the pending motion let's start with Member Steinbach?

Member Steinbach: Aye.

Attorney Gilchrist: Member Schmidt?

Member Schmidt: Aye.

Attorney Gilchrist: Member Shover?

Member Shover: Aye.

Attorney Gilchrist: Member Curran?

Member Curran: Aye.

Attorney Gilchrist: And Chairperson Clemente?

Chair Clemente: Aye. Thank you. Motion carried. So where does leave our applicants?

Attorney Gilchrist: The applicant should continue to communicate with the Building Department. The Building Department will provide the applicant with the required special use permit application form. Also, the Building Department will confirm the building height issue and square footage issues for the accessory structure, so the next order of business I think for the applicant is get the special use permit application completed and filed for the Planning Board and continue to coordinate with the Building Department on the height and square footage issues.

Lynn Currier: I understand. I will submit that as soon as possible.

Chair Clemente: Thank you very much. Sorry we couldn't come to the end that you wanted to see tonight, but going forward you're in good hands with the Building Department. Thank you, Ms. Currier. We'll move on to our last public hearing for tonight's meeting and that is Terrence Frederick at 3697 NYS Route 2.

Chuck Golden: We had some connectivity problems, we'll say, with Mr. Frederick. I do see him up here, or I do recognize his phone number up here. It might be just an issue of his inability to mute and unmute, but I do see him up here. So hopefully he will be able to respond. I am also attempting to get a hold of someone else that should be on here for new business but is not. So hopefully Mr. Frederick will get unmuted and be joining us soon.

Chair Clemente: While we wait for that, shall I read the notice of public hearing?

Attorney Gilchrist: I think we need to confirm that the applicant is present to respond to any Board questions or comments raised by the public while the hearing is open.

Pat Poletto: I just unmuted the two phone numbers, not knowing who they were.

Terrence Frederick: Hello?

Chair Clemente: Mr. Frederick, are you with us tonight? Welcome, thank you for being here.

Terrence Frederick: You're welcome, thank you. This is kind of new to me, so bear with me.

Chair Clemente: Of course, as long as you bear with us.

Terrence Frederick: OK, thanks.

Chair Clemente: We'll begin by reading the notice of public hearing. Notice is hereby given that a Public Hearing will be held by the Zoning Board of Appeals at 6:30 p.m. on Wednesday, May 27, 2020, concerning the application for area variance submitted by Terrence Frederick for property located at 3697 NYS Route 2. Applicant seeks approval to allow construction of a detached garage to be located 18.2 feet from the front lot line, where the Brunswick Zoning Law requires a front lot line setback of 60 feet at this location. This was published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of adjacent property within 300 feet. Mr. Frederick, may I kindly ask you if there have been any changes to the application and to request that you present a brief overview of the project.

Terrence Frederick: No there's been no changes.

Chair Clemente: OK, the Zoning Board now will open the floor for receipt of public comment and then we can have the Zoning Board members ask any questions. So is there anyone from the public who would like to speak for or against this application? You have the opportunity to do so now. OK just to review, one variance is being sought. It's the front lot line. 18.2 is proposed, 60 is required. For the record, the Rensselaer County Planning Department has determined that the proposal does not have a major impact on County Plans and local consideration shall prevail. Hearing no public comment, I'd make a motion to close the public hearing. Would a member like to second?

Member Schmidt: I'll second.

Chair Clemente: Thank you, Member Schmidt. Roll call to see if we're all in favor of closing the public hearing?

Attorney Gilchrist: On the pending motion to close the public hearing, Member Steinbach?

Member Steinbach: Aye.

Attorney Gilchrist: Member Schmidt?

Member Schmidt: Aye.

Attorney Gilchrist: Member Shover?

Member Shover: Aye.

Attorney Gilchrist: Member Curran?

Member Curran: Aye.

Attorney Gilchrist: And Chairperson Clemente?

Chair Clemente: Aye. Thank you. The motion has been carried to close the public hearing. Zoning Board members, if you're prepared at this time to deliberate. Or we can stop and ask questions.

Member Curran: I have a question. I was up looking at the site yesterday and there's a pad board in the proposed area.

Terrence Frederick: Oh that's where the garage is going to be.

Member Curran: OK then I have another question. With it not being set back the 60 feet, is there a problem exiting that garage with the highway being right there?

Terrence Frederick: No because I'm going to put in a blacktop turnaround just to the right of the property and if you really look at the property, those stake markers are from years ago when the road was closer to the house and in the 40s they moved the road over to where it is now. So there's actually a lot more room than it appears on a map. Between the garage and street.



Chair Clemente: Pat, do you have a question regarding sight distance upon exiting the driveway?

Member Curran: Well I was just wondering like if you're trying to back out of the driveway, if that [inaudible] out of the garage, if that presents any kind of a hazard because it's not set back 60 feet the way that it's supposed to be and it's a significant less amount than what it should be.

Terrence Frederick: No, there's a turnaround where you can back into, and you can park cars in front of the garage. You're far away from the street itself. So there would be no issues with backing out onto the street.

Chair Clemente: To the applicant: so the purpose of that blacktop turnaround would be so that you exit going forward onto the highway, or would there be a possibility of backing out onto that highway?

Terrence Frederick: No, you'd be able to pull out forward. You'd have to because you've got so many trucks that go up and down the road there that it's very difficult no matter how long the driveway was to back out into it. You really should back up. That's why the turnaround is very essential.

Chair Clemente: Thank you.

Terrence Frederick: The garage will also match the same décor as the house. They will look very nice together. Plus the house was a foreclosed house, it was built in 1850 and it was almost to the wrecking ball and I brought it back to its original way. It's almost important to have a garage because of the weather and the hill and the mountains. You really need a garage there to keep the car in because the wintertime is so bad.

Chair Clemente: Just to recap, this applicant is seeking one area variance and that is the front setback. The required is 60 feet and the proposed is 18.2. And I believe, and perhaps this could be confirmed, that the primary building has a front line distance of 15.7 feet. Do you know that to be true, Mr. Frederick?

Terrence Frederick: Yeah, actually the garage sits behind the house. I mean, if you ran a line across, it's a little further behind the frontage of the house so it's not sticking out past the house. So it's in line with the home.

Chair Clemente: Great, that's clear that the proposed attached garage is in line with the existing primary structure's setback. Just asking if there are any other questions from the Zoning Board members at this time? We opened the public hearing, we closed the public hearing. Members are now asking questions to gain information for deliberation.

Member Shover: I have no questions.

Chair Clemente: Thank you. Alright, so let's begin by looking at our elements. To begin with we are asked to explain how no undesirable change would be produced in the character of the neighborhood nor a detriment to nearby properties created by granting the area variance. I would start by saying the characteristic of the neighborhood would not be changed by the granting of this

area variance, as neighboring properties also have garages and accessory structures on their property lots. It's a beautiful rehab in a historic neighborhood. I believe it was once known as Pleasant Valley. And in this little hamlet, the historic homes are built very close to Route 2, despite the information that the applicant provided that back in the 40s the road was moved.

Frederick Stafford: Yeah, years ago actually the road was very close to the house and then it dipped down behind [inaudible] one of the houses started to turn behind the pump station and then went out the other way. It was kind of a very windy road at one time, so there's actually a lot more frontage than actually appears on a map because it's just unused, that property gained the appearance of being more property than it has in the front. They never changed the state line on it, just left it. Actually you can see the old road still up and down the street.

Chair Clemente: And then we're also asked to explain why the benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than the area variance.

Frederick Stafford: It's called bedrock, I can't dig it out. The gravel people that come in said it wouldn't work. It wouldn't be feasible to cut them out now, then you'd have a big ledge.

Chair Clemente: Right. Mr. Frederick, thank you for your input. At this time the members will consider these elements and I would also agree with what I saw which was the steep topography in the back of the applicant's yard which makes it difficult to position the proposed garage in any other spot. I do think it's interesting that there is a concrete slab, a very formidable concrete slab already in place.

Frederick Stafford: Yeah, that's already in place. We had to make sure that it would [inaudible]

Chair Clemente: And then if we were to move on, we are to describe whether the area variance is substantial. Again, 60 feet for an accessory building is required, and what is being sought tonight is a proposed 18.2.

Member Steinbach: In terms of numbers it sounds very substantial but I think when you take into consideration the reason for the siting of the garage, the underlying rock bed and so forth, and the real distance that we have from the proposed structure and Route 2, especially when you take into consideration a house that's been there over 100 years and the whole neighborhood, it really isn't substantial in my opinion anyway. Although numerically the numbers would indicate it is substantial, I would argue that it's not.

Frederick Stafford: My thoughts exactly, because when they moved the road they never moved the boundary lines.

Member Schmidt: It really is fairly substantial but it isn't as close as the house is so that kind of mitigates it a little bit too.

Chair Clemente: Thank you for your comments Member Schmidt and Member Steinbach. We are then asked to explain how the proposed area variance will not have an adverse effect on the physical or environmental conditions in the neighborhood or district. So it appears that the construction is being done in a professional way, the refuse is piled into segregated piles and it looks like they have a purpose. I would say that it would not have an adverse effect on the physical or

environmental conditions of the neighborhood. And then to explain whether the difficulty is self-created.

No name: [inaudible].

Terrence Frederick: There's a very substantial increase behind the garage of boulders. You just can't...it would be almost like a wall if you could even get them out of there. But you can't. It's very difficult.

Chair Clemente: Well thank you. So, under a Type 2 action this is a residential application so under State Environmental Quality Review Act, no further SEQRA determination is required. We can look now to vote on the area variance after considering the benefit to the applicant as weighed against the detriment to community at large or the neighborhood in particular. How would the Zoning Board determine to grant the requested variance?

Member Shover: I make a motion to grant the variance as proposed.

Chair Clemente: Thank you, Member Shover.

Member Steinbach: I'll second.

Chair Clemente: Thank you, Chairman Steinbach. Should we call roll to see if we're all in favor?

Attorney Gilchrist: Motion to grant the area variance as requested. Roll call vote: Member Steinbach?

Member Steinbach: Aye.

Attorney Gilchrist: Member Schmidt? Member Schmidt you need to unmute. Member Schmidt if you could indicate your vote by a thumb up or thumb down, we can see you but we can't hear you. That's indicating a thumb up, so Member Schmidt is a vote yes. Member Shover?

Member Shover: Aye.

Attorney Gilchrist: Member Curran?

Member Curran: Aye.

Attorney Gilchrist: And Chairperson Clemente?

Chair Clemente: Yes, thank you. So Mr. Frederick I would encourage you to continue the coordination with the Building Department on the project.

Terrence Frederick: Yes. I apologize, I'm in Troy here because I'm on my way over since I wasn't sure if I was actually going to get on the phone but Chuck walked me through it and it worked out all good.

Chair Clemente: Well thank you for joining us tonight.

Terrence Frederick: Well thank you, it's been a pleasure dealing with the Town of Brunswick. Very nice place to live. Very nice place to work.

Chair Clemente: We would agree, thank you very much.

Terrence Frederick: Thank you.

Member Schmidt: Can you hear me now?

Chair Clemente: Yes I can hear you clearly.

Member Schmidt: I lost it again. My screen went phooey.

Member Steinbach: It went phooey?

Member Schmidt: It did something, I don't know what.

Member Steinbach: I think it went fluey! Either that or Poletto made it happen.

**[laughter]**

Chair Clemente: We're glad you're with us now. That concludes the three public hearings. We're going on to five new business applications.

Attorney Gilchrist: Chairperson Clemente, there is one other agenda item before the new business applications and that's an update on the application for use variance by Blue Sky Towers III.

Chuck Golden: I was incorrect when Chairperson Clemente asked if they were on and I told her no. So when Dave Brennan was on, when I saw his smiling face on our Zoom meeting, I conferred with Wendy and she said "Oh yes, they are on." So my apologies to Ann for the misinformation I gave you but Mr. Brennan would like to make a presentation.

Chair Clemente: Thank you, certainly no problem. Welcome, Mr. Brennan. Would you like to give a presentation now?

David Brennan: Dave Brennan with the law firm of Young Sommer on behalf of the applicant, Blue Sky Towers III, LLC, AT&T and Verizon Wireless. Already losing my voice 30 seconds in, excuse me. I gave an update presentation to the Planning Board last evening. I'm just going to pause for a second. Can everyone hear me ok before I keep going?

**[Chorus of "I can" responses]**

David Brennan: OK thank you, continuing. So as the Zoning Board will recall, we did a joint public hearing on January 16, 2020 with the Planning Board. There were a number of public comments at that time. We were intending to come in for your March meeting and continue the discussion and obviously life has been put on hold or on pause. So your March meeting was off, your April meeting was off, and now we're in May. I will have response to those public hearing comments, I have the letter largely drafted, I'm just waiting on some additional material from our consultants and I'll be submitting that in the near future, certainly well in advance of your next

meeting. But I wanted to take the opportunity because the Town, as compared to some others I'm dealing with, proactive in getting you back up and running to have these meetings. In the same vein, I can see your agenda is quite heavy tonight so I won't go on and on, but I do want to run through a couple things and ask to come back to the next meeting and follow up on these preliminary discussions. So the first thing is I will be responding to those public comments. I'll get that out in advance so you can review it before your next meeting. I've been in discussions with Mr. Gilchrist. We do have the FCC shot clock running. We've previously extended it and that extension was somewhat for naught because no one could do anything so we're in the process of extending the shot clock by way of update. There is no intention of complaining about this. Certainly the Town of Brunswick has been processing the application and so we appreciate that and we're all doing the best we can in this new time. And then finally I did submit a letter that's been distributed and basically it's dated May 5 and what we did do in the intervening time is we went out and we've done a drone fly and we flew it at three locations and Mr. Poletto is on his way scrolling down to the pictures. If you can go to page two of that letter please. Thank you. So, you'll see on this aerial photo in front of you, there's three locations. Location 1 is in one of the existing lease areas that we've always shown. Location 3 is in the primary or just off the primary location which would require a 150-foot monopole. And then the consultants flew the drone also at location 2. As you'll recall, the high point of this area is basically where the tilled field is just to the left or west of location 2 is the high point and it slopes down considerably towards Creek Road. And we didn't fly the drone at what I would call location 4, which is much closer to Creek Road. That was the location that we've previously discussed which would require a 240-foot tall tower with painting and lights on it and so we thought that demonstrated to be significantly visible in the balloon fly and photosimulations and so we didn't focus on that. But what I wanted to do was go through the videos from the drone flights so it's a nice high-def drone video. And this one that Mr. Poletto's going to start running is at 80 feet. So this is location 1. Right in front of you right now is the Collins' property to the north. The red barns. And we're basically, the drone is holding itself steady at 80 feet and we're panning around and you'll see coming into view some of the backs of the houses in the treetops right here of Golden Eagle Court. And as it continues to pan around the compass, you'll see coming into view is the houses on Eagle Ridge Drive. That's the McDonald house with the pool. They spoke at the public hearing, right there in the middle. And as we continue to go around, you'll see coming into view the O'Brien house. It's not quite there yet. The O'Briens came and spoke at the public hearing, theirs is off in the distance. It's not quite in the middle of the screen yet. It's right about there now, and you'll see...there's another better view of it. But basically you can see going down to Creek Road on the video, all these videos are hosted and there's a link to them online so you can look at them at your leisure. What we're trying to show in this video and the next one is at these two locations, this would be able to be hosted as a stealth tree and take advantage of the tree screening as compared to the 150-foot monopole that is one of the next videos coming up. And so Mr. Poletto if you could go to the next one for us. So this is the new location. You're looking at Eagle Ridge Drive and now we're rotating around the house that's going out of view is that the top of Eagle Ridge. And you're coming around and eventually as it rotates a little but further you'll catch the O'Brien house coming into the field of vision now. And what happens is the tower will now be out of the direct view of....there's their house right now coming into view with their pool....in trees you'll see more demonstrated in the last video, is not in the direct line of sight of their backyard. And this was fortunately done with leaf-off conditions and again you'll get a good glimpse of the steep terrain drop off as you go down towards Creek Road, which drives the tower heights to maintain a relative parity of the antennas to provide coverage. So we'll rotate around a

little bit further and then you'll see the Collins property, Mr. Collins spoke at the public hearing, that's the red outbuildings and barn and house in the distance. And as you'll see in the next video from the 150-foot location you can see what the balloon fly was demonstrating and what they were speaking that they didn't like is that it basically puts, at 150 feet, the tower right between the two houses in the sense of a crossfire. Here, this location is being run at 90 feet and the idea would be that you can do a stealth tree in the stand of trees, it would have to be taller with the ornamental top but you could take advantage of the leaf-on conditions. Mr. Poleto, if you could go to the last one for us. So this is the 150-foot location directly in front of us. It's more than 750 feet away from the McDonald house, they spoke at the public hearing. You're seeing the top of Eagle Ridge Drive as we rotate around and coming into the frame in a moment here will be the O'Brien residence and you'll see this is where, if Mr. Poleto you could pause it for a second, you can see when we did the balloon fly if you go back and look at the balloon fly simulation, one was taken from their backyard and it basically shows probably nearly the full height of the 150-foot monopole because they've got a nice cleared spot in the backyard with their pool and it's looking directly out of it right there. Thank you. And so if we keep panning around, it'll eventually rotate towards the east. And as you look at these at your leisure, in the upper right is the compass showing what compass direction we're on and at the bottom is the altimeter showing it is holding steady at 150 feet above ground level. And again in this video you'll get a pretty good sense of, although it's further back off the top of Eagle Ridge Drive, that it's a significant drop off in the back that is the tension of trying keep to antennas where they need to be and keeping the tower low. Coming into the picture here again is the Collins residence if Mr. Poleto could pause it for a second. Again, you can see where basically at 150 feet we're right between the two and then we're also right out the back looking at basically the crossfire between the McDonald, Collins and O'Brien residences. And so what we've tried to do is to give some additional data for the Boards to review with a goal or aim of, not necessarily at this meeting, but trying to get to see if there's a consensus as to which of these locations are feasible. Mr. Poleto if you want to just run the last few seconds and then I'll wrap up. One of the things we did do coming out of our last meeting is we also did look at what I'll call the west side of the National Grid right of way. There's a large piece of property on the backside that was suggested at some point in our discussions and we did run title review on that and it's actually listed for sale. The owners would not grant us any ability to do it under any contingencies to see if we could get approvals, but even more troubling is that everything that's come out of that fairly recent subdivision has deed restrictions in it limiting the use of the properties to residential only. So, for that reason, we're foreclosed from using that piece of property and so at this point we're focused on the Zouky property. Certainly there were some other questions about locations down behind Mrs. Zouky's house and we will provide that in a response to comments but that requires a tower again of about 240 feet because of the drop off in terrain. But in keeping with my initial promise that to keep the reintroduction to this on the brief side, certainly dependent on what the Board wants to do and talk about tonight, I wanted to just go through these videos with you and ask you to think about those and if we could stay on the agenda for your June meeting, we'll have a response to comments back and then we can talk about if there's any sort of preference or relative strengths or weaknesses of the proposed locations. Thank you.

Chair Clemente: Thank you, Mr. Brennan. So, just to confirm. These videos are available on the Town website?

Dave Brennan: Yes they are, it's actually a link to our consultant's website because they're massive, like 150 megabytes, so there's a link....that's my children crying....and they are available but it's a link on the website.

Chair Clemente: So we look forward to your response to the public comments before our next meeting in June. I don't see why it would be a problem to put you on that agenda. Does anyone have any questions at this time? Otherwise I would ask Attorney Gilchrist procedurally how the Board should proceed.

Member Steinbach: I just have one request. I'm sure it would happen anyway but just to get it on the record that I would like copies of the response letter, mailed or delivered or whatever, I'd like to read that before the next meeting.

Chair Clemente: Just to confirm, Member Steinbach, you would like a hard copy? Or could it be digital?

Member Steinbach: Digital is fine if you want to put it on the board, sure. I just want to be able to read it. Thank you.

Chair Clemente: Thank you.

Attorney Gilchrist: Hearing no further questions or comments from the Board members, procedurally the application remains pending in front of the Zoning Board. The applicants presented this update with the information provided. They will be submitting formal written responses to comments. I'll again confirm for the record that both the Zoning Board and the Planning Board are utilizing Laberge Engineers as retained planning review consultant for the application. So those responses to comments will also be reviewed and Ron Laberge will be available for the meeting at which those responses are discussed. I think for tonight, procedurally, it's consideration of maintaining the application on your June agenda and Chairperson Clemente with your authorization I will continue to work with applicant's counsel on extending the federal shot clock.

Chair Clemente: Sounds good, thank you for that summation. Sounds like a good way to go forward.

Dave Brennan: Thank you for your time and attention this evening and we look forward to seeing you in June.

Chair Clemente: Thank you, have a good night. So thank you, Mr. Poletto for the way that you're putting up your shared screen. Usually how we do it is the date that the application was submitted, that would make Kyle Smith's application first to review as new business if we might. And this application is seeking one variance. It's an accessory structure that would be closer to the road than the proposed new construction of a primary structure. So if Mr. Smith is with us, perhaps you could give us an overview of your project while we review and look at the application papers.

Kyle Smith: Certainly. So I've heard a few area variances tonight with accessory structures. I'm going a little backwards, differently. My current residence is the garage barn that is close to the road. When I built that as a young single man ten years ago, I put an 800 square foot living space into that. I have since married a girl from next door and we've had a child and that

space is not sufficient. So we are trying to build a house on the remaining 75 acres of property that we have. It will be further back from the road than the building we're living in now. We want to just bring that back to what it should be as an accessory structure, just a garage, remove the living space from that and build the house behind, further back. It's a small-ish house: 1,900 square feet. Hopefully you guys received it, I went to all the neighbors and got signatures from everyone that no one is opposed to this project. As you know, we were slated for March and of course it's out of everyone's control what's happened. But I'm hoping that maybe it's within our control to expedite this in some way if it's possible. I don't know how many of you have children, I assume many of you. But we are currently living in a 1-bedroom space with an 8-month old and it is trying to say the least, if you can appreciate that. I'm not sure what else to say.

Chair Clemente: Congratulations on being blessed with that 8-month old. I'm not sure if you were on earlier, but, at this May meeting we are to review the application documents, get the summary from you, and then the Zoning Board meets once a month. So this group of people will meet again in June to compare the elements and make a determination on whether or not to grant the requested variance. That's kind of how we roll.

Kyle Smith: Certainly, I understand that. I know this meeting is a special meeting, correct? When would the June meeting be? Because we were supposed to be March 16 prior.

Chair Clemente: That's right. So we meet the third Monday of each month.

Kyle Smith: Correct, so...

Chuck Golden: It would be June 15.

Chair Clemente: June 15, yes.

Kyle Smith: So it's less than a month until the next meeting as it is?

Chair Clemente: Looks like that. So, Chuck, while you're there. It came up in a previous application. The maximum height. So I guess that was an accessory structure. We're looking at this as a primary structure. So, nevermind.

Chuck Golden: To move things along, Kyle, I would query the Department of Health at the County and make sure that you have your certificate of construction for your septic system as well as get a set of plans for your building as quickly as possible, and a driveway permit in for your new structure. The request of the driveway permit you will be using the existing driveway, but due to the length of the driveway, you're going to need a turn off for what would be considered over 300-foot for a private drive. So for fire department access. So those things you can keep the ball moving forward.

Kyle Smith: OK, set of plans for the house, which I do have. Driveway plans. And you said also....septic plans.

Chuck Golden: It would be an ideal time to get a perc test done because it's really dry.

Kyle Smith: That's already taken care of, that's all done.



Chuck Golden: So you have that permit to construct in hand?

Kyle Smith: No. Not yet, but I have plans for it. We've done perc tests, I have plans for the septic and everything.

Chuck Golden: Good.

Chair Clemente: That sounds good, Mr. Smith. So you have a few things to do before we meeting again in June 16 at 6:00pm. We will have a public hearing, so a notice will go out. In addition to being in the newspaper and on the town signboard and on the Town website, your neighbors within 300 feet will also be noticed of that public hearing which will take place on June 15. And then, upon hearing any comments, having any more questions, gaining any more information, the Zoning Board members will have the opportunity to deliberate and then make a determination on your requested area variance.

Kyle Smith: Excellent. Thank you guys so much. I appreciate it.

Chair Clemente: One last thing before you go. Do we have your permission to look at the site?

Kyle Smith: Yeah, sure.

Chair Clemente: OK, very good. Thank you very much. Have a good night.

Kyle Smith: Thank you guys.

Attorney Gilchrist: Chairperson Clemente, the public hearing for June 15 will be at 6:00pm?

Chair Clemente: Yes. Thank you. Moving along, we have Linda Knight. Address 559 Lansing Road. And here we can confirm with the applicant and the Building Department, what is the requested variance?

Chuck Golden: I understand that Pat unmuted the two phone numbers that were on there. I recognized one as Mr. Frederick initially. The second number I did not recognize and I am feverishly trying to get a hold of the Knights because I don't believe that they are on right now. So I would like if we could to delay this application to be last and I will continue to try to contact them.

Chair Clemente: Of course. We'll then move on to our third new business of this evening and that is Frederick Stafford at 681 Farm to Market Road. This is an area variance.

Frederick Stafford: Yeah I'm here.

Chair Clemente: Thank you for joining us tonight.

Frederick Stafford: You're welcome.

Chair Clemente: Chuck, again, I'm a little uncertain about the requested variance. Is it a front setback?

Chuck Golden: This is a classic accessory structure in front of the primary. He meets all setbacks.

Chair Clemente: OK. Mr. Stafford, if you'd like to kind of give us an overview of your project.

Frederick Stafford: Can you hear me?

Chair Clemente: Yes.

Frederick Stafford: OK good. This is basically a barn. The plans have been submitted. And that's the best way to describe it. I have also indicated my intended use. That would be for storage of light equipment and other miscellaneous storage and a small workshop for hobby projects and a place where I can work on my car during rainy weather. I don't intend to plumb it, or even put electricity in the building. I don't want to get too far into it unless you have specific questions.

Chair Clemente: So, in the application you're showing us drawings of a design called a cider mill. Is that what you're proposing to put on your property?

Frederick Stafford: Well that would be nice, wouldn't it? No, it's not a cider mill, it's just a barn.

Chair Clemente: I understand, it's just to clarify, the drawing that you're presenting. The drawing is called the cider mill. Is that correct?

Frederick Stafford: That's correct.

Chair Clemente: Well the application appears complete for the purpose of holding a public hearing. I would ask Mr. Stafford if you would kindly give permission to the Zoning Board members to look at the proposed construction site.

Frederick Stafford: I would like to be there to answer questions, otherwise it might be a little confusing. But I certainly welcome the Board members to visit and inspect the site.

Chair Clemente: We would ensure that we would practice social distancing and, if inclined, wear face coverings.

Frederick Stafford: That's fine. I'm not really concerned about that, I'm sure you're concerned that. I'm more concerned with just being able to clarify any questions that you have while you're here.

Chair Clemente: Understood. So then, would the best method be to knock on the front door?

Frederick Stafford: How would you normally? Do you just send a letter? Do you send an email, or call?

Chair Clemente: Yeah, no. Historically, I've just kind of knocked on the front door to see if anyone was available to speak with me at that time. Oftentimes during visits, what's going on or what's proposed to happen is very self-evident. I can kind of figure it out without the assistance of the applicant being present.

Frederick Stafford: Well I'd like to know when people are on my property. I like to be there when they're on my property unless someone's delivering the mail or something. I would like some sort of notification, I think that's entirely reasonable to request.

Chair Clemente: Of course, shall we call you?

Frederick Stafford: Yes, that would be fine.

Attorney Gilchrist: Just coordinate the phone number through the Building Department.

Chair Clemente: Fair enough. Is that reasonable to you, Mr. Stafford?

Frederick Stafford: Absolutely.

Chair Clemente: OK. Thank you very much. There aren't any other questions at this time. We'll move on.

Attorney Gilchrist: One issue if the application is complete, is the Board inclined to schedule the public hearing?

Chair Clemente: Yes, I believe so. We have the 6:00, could we possibly schedule this for 6:15?

Attorney Gilchrist: That's in order, thank you.

Chair Clemente: Thank you. So, Mr. Stafford that would be June 15 at 6:15pm for a public hearing.

Frederick Stafford: Understood. Thank you.

Chair Clemente: OK thank you. See you then, or maybe sooner. Now we'll move on to our fourth application tonight under new business. And that would be Usman Rashid for 2422 Tenth Avenue, pardon me, for Pawling Avenue in Troy, nope pardon me again. Correction. For Bellview Road in Troy.

Mark Danskin: No. I'm representing Usman Rashid of 793 Pawling Avenue, Town of Brunswick.

Chair Clemente: There we go. Thank you for that address correction. I believe you're seeking two variances?

Mark Danskin: An area variance for rear setback and a front setback along Lakeview Avenue. I'm on a corner lot.

Chair Clemente: Would you kindly give us a little brief overview of the project?

Mark Danskin: Certainly. The property is located on the east side of Pawling Avenue. It's just south of the City of Troy line, about 200 feet inside Brunswick and outside of Troy. It's located on a corner lot, Lakeview Avenue and Pawling Avenue. It was formerly the home of a 6-8 unit apartment building that was in very poor condition. I've submitted three maps, one was the survey

when the original apartment building was still there before it was razed. A second map showing the proposed new building and the remaining portions of the razed building. That's the map I'd like you to look at. The hash mark is the remains of the building and our proposed building will be entirely inside the old building, or within the setback lines as required. The old building was three feet off of Lakeview and actually encroached on the property line by less than a half foot in the rear. The proposed building would be inside the property line and inside that wall. In the rear, it would be inside the wall on Lakeview Avenue. The proposed building would be 30 feet off of Pawling Avenue, and the rear corner of the proposed garage would be 10 feet off that southerly property line. The property is located in a B-15 zone. It's got a 30-foot rear, 30-foot front and 10-foot side setbacks. So we're looking to get a variance on the rear and the Lakeview portion of the front. The building has been razed. Only the back wall and a bit of the wall on Lakeview remain. And I would appreciate it if you would visit the site. So my client proposes a 59 by 36 foot garage and a 21 by 38 foot office space where he plans on repairing and selling used automobiles. The third map I submitted shows stacked parking. The required parking would be five based on two employees and customer parking and then the rest would be showroom. I think I'll wrap it up with that.

Chair Clemente: Thank you. Does your client have his business in any other area of Troy?

Mark Danskin: He has it in Albany. He lives in Watervliet and right now he's running a shop in Albany. I have not been there. I could get you the address if you want.

Chair Clemente: That's ok, thank you. Are there any questions for Mr. Danskin at this time? The application appears complete for the purpose of holding a public hearing, which will be at our next meeting in June. June 15 at 6:30pm.

Mark Danskin: June 15, 6:30. Very good.

Chair Clemente: Thank you for coming out tonight.

Mark Danskin: Thank you for having me and if may say I think your meeting has run quite well tonight.

Chair Clemente: We're moving through, thank you!

Mark Danskin: Thank you, goodnight.

Chair Clemente: Goodnight. The next application to consider for new business is submitted by Dave Leon for property at 658-664 Hoosick Road. It's a variance for parking as it's proposed within the R-9 Zoning District. Is there a representative for Mr. Leon here tonight who could provide for us an overview of this project?

Jamie Easton: Good evening, I'm with MJ Engineering. Can everybody hear me? Perfect. Disregard the Tully Rinkey subtitle under my name. I don't work for them, I work for MJ. My wife works for the law firm there. But if I can share my screen, it may be a little easier for me. The host would have to allow me to, if the Town would allow me to share my screen, I'll kind of walk through this. If not, I'll just go through the presentation based on the screen that's up.

Pat Poletto: We didn't give permission when I started the meeting for people to lead their screens, so....

Jamie Easton: Easy enough. As the Board is looking at the map on the screen, you have Hoffman's Carwash at the top of the page. You have the existing Planet Fitness kind of in the center of the project site. You have the proposed Aldis and Wendy's between the existing Planet Fitness and Hoffman's. To the south or towards the bottom of the page, there is the proposed KFC, and you have just to the south of that Hillcrest Ave, and the currently-built Cumberland Farms directly to the south. As part of this project, there is the zoning line, and part of our parking lot goes over that zoning area. And as you take a look at the little hatched area in orange toward the bottom there, a little bit farther down below. Go to the KFC building, you'll notice if you just take your cursor right down to the very bottom, you'll see a little orange area that has a dumpster and things like that. That area right there which is approximately a little over 2,000 square feet is the area that the parking lot is encroaching on the R-9 zone. As you look at it, the area is very small. But the reason why we had to do that was for a couple of reasons. One is because originally the plan was to have the KFC building moved much closer toward Hoosick Road. During the planning process and during concept review, the Planning Board wanted the building pushed back to get the circulation around for the drive-thru for that building and the Town Planning Board also wanted increased parking. This area of proposed parking that's highlighted in orange there encroaches on the R-9 zone. Now, parking in an R-9 zone is allowed with certainly a structure located there, other things in the Zoning Code that allow for parking that's required in that. But in our case, our understanding of why we have to obtain a use variance, is because we don't have a principal building within that R-9 zone. So that's where my understanding is. So as you look at this small parking lot area from an impact point of view, you can see how relatively close it is towards the existing zoning line, the B-15 and how close it is to the Cumberland Farms just to the immediate south of it. If you scroll down a little bit farther you'll see the houses directly to the south of us, and as part of our application, we actually noted the distance in there. The existing Cumberland Farms is actually closer to that house than the proposed expansion area if the Zoning Board grants the variance for the proposed parking lot. The Cumberland Farms is actually closer than that area there. So, we're trying to provide separation distance and meet some of the Planning Board's requirements as we've gone through this and we've kind of ended up with this little triangular area which is roughly 2,000 square feet of impact that we need to do. So that's really why we're here tonight and hopefully the Board can set the public hearing on June 15. And if you have any general questions, I hope I can answer them.

Chair Clemente: It's difficult for me to see right now, but could you kind of explain what is that green area beyond the proposed parking site in the orange?

Jamie Easton: So that green area is all part of the applicant's property. In there we anticipate putting a stormwater management area to meeting NYSDEC requirements. And the green area whether we keep trees in there or whatever, it will be green and nature inside. We're going to try to keep as many trees behind the houses as possible. But until we get to the final design of the site plan, we'll then determine how much space and how much existing trees that we can maintain in that area.

Chair Clemente: Thank you.

Chuck Golden: Jamie, I understand that there's a couple of parcels in there that you don't own yet. Where are they located? Are they in the middle of the retention pond, or are they along a border?

Jamie Easton: Everything that you see in green and colored and everything else on this map, the applicant owns. The only space that he does not currently own is a 60 by 60 foot area which is, if you go right behind KFC, right there you stop. That parcel of land the applicant does not own. Certainly he's in conversations with the applicant about purchasing that small piece of land, but the applicant and his attorney are speaking to family representatives. The owner of that parcel has recently passed and now the ownership of that land is in the family with three entities living in three different states. So it's been difficult to coordinate that. So we have taken that parcel out because the applicant is trying to purchase that piece of land, but obviously we don't need it for the Zoning Board application or from a site plan standpoint of view during our site plan review process. So we've just taken it out.

Chuck Golden: With that said, Jamie, is the parking area ten foot off of that line?

Jamie Easton: The parking area off of that line is probably closer than ten feet, correct.

Chuck Golden: So will a variance be required for that as well?

Jamie Easton: I will have to double check that. If an area variance is required for the ten-foot setback, we would have to put in a supplemental application for that also to be there just around that parcel, yes. I think portions of we would hit it, portions of it the ten foot would be exceeded. So...

Chair Clemente: Do we need that piece of information before acting on this area variance, Attorney Gilchrist?

Attorney Gilchrist: What I would suggest to the Board is the use variance request for the parking area is part of the overall action as Mr. Easton stated, it's in front of the Planning Board for site plan review. The applicant has appeared in front of the Planning Board a couple of times on concept review. I think it would be appropriate for this application, certainly, to coordinate again with the Planning Board. There would be an anticipated public hearing in conjunction with the site plan review. As we've discussed at the Planning Board, there is a potential Town Board action in conjunction with the proposed road construction, and that the use variance for the parking is part of the overall action. I would anticipate that the Boards might consider one joint public hearing rather than multiple public hearings on this application so that both Boards again can hear public comments. I think that's appropriately coordinated with the Planning Board. And I can report to the Zoning Board that the Planning Board hasn't addressed the scheduling of a public hearing yet. Given the state emergency orders and the virus, the Planning Board likewise had a hiatus on meetings and only recently started their Zoom meetings and Mr. Easton I would presume you're going to be back in front of the Planning Board in short order to present on the site plan.

Jamie Easton: That is correct. Our anticipation was to make application sometime hopefully after the Zoning Board of Appeals hearing if it went well after June 15. We are progressing with

the plans and with DOT on this project, so we were anticipating a mid-June submission to the Town for detailed construction drawings, stormwater reports, sewer report, all that detailed information.

Attorney Gilchrist: Well I do have a concern about segmenting part of the action and having the Zoning Board proceed on that without the overall project review in front of the Planning Board. I would think that's an issue that I'd like to discuss with the applicant's counsel.

Jamie Easton: Andy, I certainly understand that. I've done that before where you have these multiple things going on in a coordinated review of an application. So, I certainly don't object to that. I'm fine with that.

Attorney Gilchrist: I think on this application it probably is best not just for the Boards but also for the applicant to ensure that coordination happens.

Jamie Easton: I 100% agree.

Chair Clemente: OK with a coordinated review of this application, we will schedule a joint meeting with the Planning Board for a public hearing.

Attorney Gilchrist: My suggestion would be allow me the opportunity to coordinate with the applicant's counsel, that the site plan application be submitted by the applicant to the Planning Board, and then we address a coordination and a joint meeting as you suggest for purposes of a joint public hearing. I think that makes sense. But I think it's premature to do that at this point.

Chair Clemente: OK so we'll leave it that we'll allow you the opportunity to coordinate with the applicant's counsel.

Attorney Gilchrist: Thank you. It would be appropriate if any of the Zoning Board members did have any initial questions or comments for Mr. Easton, to ask them now.

Member Schmidt: I don't have any questions or comments right now but it's an awful lot to take in. I've got to study it for a while.

Member Shover: I have none at this time.

Member Curran: I have no questions.

Member Steinbach: Nor do I.

Chair Clemente: OK then, well hearing no other questions, I'll thank the applicant's representative for being with us here tonight and going over the project. Like Member Schmidt said, there's a lot that we can go over and study and await the coordinated effort with the applicant's counsel with the Zoning Board members' attorney Mr. Gilchrist.

Chuck Golden: Just one quick question for Jamie regarding the parking spaces in the drive-thru for KFC, they are OK with eight?

Jamie Golden: Yes they are OK with eight. Eight is their prototypical.

Chuck Golden: OK because I'm just having memories and Taco Bell and their number was ten.

Jamie Golden: Every one of the national tenants have different requirements. If you look at the Wendy's up on top, they really wanted a bypass lane and they didn't care about queuing, they were OK with six. Starbucks for example wants between eight and ten. And if we ever get a Chik Fil A in the Capital District, they require stacking of over 20. So, every national tenant actually has a different requirement for that. But KFC was ok with the eight on their parking.

Chuck Golden: Thank you, Jamie.

Chair Clemente: OK. Well thank you. Any other questions? Alright, so before we wrap up, I just have a quick quote. This is from the Director of Planning and Economic Development in Colonie and I think it sums up what we're trying to do tonight. She said "We understand that if our work stops, we risk slowing down projects and causing risks to our local community and economy. It's important for people to know that during a crisis, their government is still working for them. This crisis has brought so much uncertainty, it's important to adapt and respond." And I think tonight's Zoning Board of Appeals meeting certainly demonstrates that.

Chuck Golden: I agree with that fully. I just want to notify you that the Knights have logged on and they are available. If Pat, you could unmute the number that ends in 69.

Pat Poletto: All set.

Chair Clemente: Welcome. This is Ann Clemente, Chairperson. We welcome you tonight.

Linda Knight: Thank you.

Chair Clemente: If I understand correctly, you're proposing an accessory structure to be in front of a primary structure. Could you kindly give an overview of your project to the Board members tonight?

Linda Knight: Well, we're just looking to add on to an existing additional garage which is 12 by 30 feet, making adjoining this building, which would also be 12 by 30 in our wooded area. It's not exactly in front of the house, it's kind of I don't know what you'd want to call it, to me it's like perpendicular. It's not blocking the front of my house. It's in a wooded area, just for storage, that's what we're looking to do.

Chair Clemente: Thank you. So just to confirm then, Chuck, is that the correct area variance that's being sought? It would be an accessory structure in front of a primary structure, the setbacks are fine?

Chuck Golden: Yes, that is correct. The setback of the main structure, you can see by what Mr. Poletto has up there now, was 182 feet and currently the garage storage building is at 120. So it is in front of it. It is a bit of an optical illusion because of the way that the highway goes and the way it's set up. And it is in a very wooded and secluded area with visual impact to one neighbor in the fall and winter when most of the leaves are down. I am certain that the Knights will allow you to go and take a look if you so desire.



Linda Knight: Certainly that would be no problem.

Chair Clemente: Thank you for granting us that permission. So, having that clarification, thank Mr. Golden, I would say that this application appears complete for the purposes of holding a public hearing, which would be on June 15, a Monday, at 6:45. Right, so, Ms. Knight, before then there will be a notice going out to your adjacent neighbors within 300 feet of your property notifying them of this public hearing that if they want to come to speak out for or against the application, they'll have the opportunity to do that. And then the Zoning Board members will have the chance to ask you any questions that have come up from them reading the application documents, and after visiting the site. After gaining that information and feeling satisfied with it, the Zoning Board members will then have the opportunity to deliberate and act upon the area variance. That is how it goes. If you have any questions for this time, feel free.

Linda Knight: Will it be one of these phone conversations? I assume.

Chair Clemente: Most likely. I mean, things change so quickly and it's hard to anticipate the change, but let's plan on that. You've done a great job, we hear you very clearly and you've gotten your information across successfully. So let's plan on meeting this way again on June 15.

Linda Knight: OK, thank you very much.

Chair Clemente: Thank you, have a good night. So before we adjourn I want to thank Mr. Poletto for being our moderator tonight. You did an excellent job making sure that we were all heard and your ability to screen share I'm envious. So thank you very much Pat.

Pat Poletto: You're very welcome.

Chair Clemente: If there is not any other new business, or any other concerns I would make a motion to adjourn tonight's meeting of the Zoning Board of Appeals.

Pat Poletto: One more thing. We now have a Town of Brunswick YouTube channel. So this video will be up on that and I will have a link on the Town website under Zoning for anybody who wants to go back and review any of this.

Chair Clemente: Thank you very much, you've made us all YouTube stars.

Member Curran: Now we have to do our hair and makeup before.

Chair Clemente: So there's a motion to adjourn, would a member like to second.

Member Steinbach: I second.

Chair Clemente: Thank you, Member Steinbach. May we do a roll call to end the vote?

Attorney Gilchrist: Member Steinbach?

Member Steinbach: Aye.

Attorney Gilchrist: Member Schmidt?

Member Schmidt: Aye.

Attorney Gilchrist: Member Shover?

Member Shover: Aye.

Attorney Gilchrist: Member Curran?

Member Curran: Aye.

Attorney Gilchrist: And Chairperson Clemente?

Chair Clemente: Aye. Thank you very much. Have a good night everyone.