

Zoning Board of Appeals

TOWN OF BRUNSWICK
336 Town Office Road
Troy, New York 12180

TRANSCRIPT OF THE BRUNSWICK ZONING BOARD OF APPEALS REGULAR MEETING HELD AUGUST 17, 2020

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

ALSO PRESENT was CHARLES GOLDEN, Brunswick Building Department.

Chair Clemente: Good evening, everyone. I am Ann Clemente, Chairperson. The regular meeting of the Brunswick Zoning Board of Appeals for Monday, August 17, 2020 is called to order. At this time please join me in reciting the Pledge of Allegiance.

[Pledge recited]

Chair Clemente: Mr. Poletto, would you kindly explain the procedure for using the Zoom platform for tonight's meeting.

Pat Poletto: Under Governor Andrew Cuomo's Executive Orders, we are authorized to hold our regular meetings over the internet. So to facilitate that things run smoothly and with as little technological issue as possible, we are asking for the following: when not speaking, please mute your audio; when you do speak, please state your name because we have to do a transcript of this meeting and it's easier for the person doing the transcript to know who is talking. So please state your name and, during the public hearing, you will need to state your name and address. You are encouraged to use headphones, in particular headphones with a microphone so that there is no feedback loop created. And if there are two or more of you in the same room watching the meeting on different devices, make sure only one person's audio is on. Otherwise we get terrible feedback and it's tough to do the transcripts from there. So that's my thing. Remember the biggest part is state your name before you start talking, and during the public hearing you have to state your name and address. Back to you, Chairman.

Chair Clemente: Thank you, Mr. Poletto. There's a change in the Zoning Board of Appeals membership. Mr. Bill Shover has retired. We thank him for his participation on the Zoning Board, he added his expertise, experience, patience and knowledge to the Board. We appreciate his service to the residents of Brunswick. We wish him good luck in his future endeavors. The newest member, I'm happy to announce, is John Mainello. We look forward to John's contributions to the Zoning Board. Mr. Chuck Golden from the Building Department, would you kindly call roll attendance of the Zoning Board members?

Chuck Golden: I am going to do the roll call. Chairman Clemente?

Chair Clemente: Here.

Chuck Golden: Member Curran? She just gave me the thumbs up. Member Schmidt?

Member Schmidt: Here.

Chuck Golden: Member Mainello?

Member Mainello: Here.

Chuck Golden: Member Charette?

Member Charette: Present.

Chuck Golden: That concludes our roll call attendance. Back to you, Chairman. Everyone is in attendance.

Chair Clemente: Thank you, Mr. Golden. The Chair will address the transcripts for the Zoning Board of Appeals meetings of May 27, 2020 and June 15, 2020. We will handle them separately. I want to acknowledge the challenging work of putting these transcripts together and the Board is very grateful for how well done they are. Zoning Board members, for the transcript of the special meeting held May 27, 2020, are there any corrections or comments? And this is in particular for Members Schmidt and Curran.

Member Schmidt: I don't have any changes.

Member Curran: I don't have any comments.

Chair Clemente: Thank you. The Chair offers the motion to approve the transcript of the Zoning Board of Appeals special meeting held on May 27, 2020. Will a member second?

Member Curran: I'll second.

Chair Clemente: Thank you, Member Curran. Mr. Gilchrist, is Attorney Gilchrist with us, would you kindly do a roll call vote on the motion to approve the May 27, 2020 transcript?

Attorney Gilchrist: On the motion to approve the May 27 transcript, Member Curran?

Member Curran: I approve.

Attorney Gilchrist: Member Schmidt? I can see you, ok thumbs up which is a positive vote. Chairperson Clemente?

Chair Clemente: Aye.

Attorney Gilchrist: And we'll note that new members Mainello and Charette should abstain from the vote as they were not members at that time.

Chair Clemente: Thank you. For the transcript of the Brunswick Zoning Board of Appeals regular meeting held on June 15, 2020, again to Members Schmidt and Curran, are there any questions or comments?

Member Curran: I have no comments.

Chair Clemente: The Chair offers the motion to approve the transcript of the Brunswick Zoning Board of Appeals meeting held on June 15, 2020. Will a member second?

Member Curran: I'll second.

Chair Clemente: Thank you, Member Curran. Again, Mr. Gilchrist would you kindly call a roll call vote on the motion to approve the June 15, 2020 transcript?

Attorney Gilchrist: On the motion to approve the June 15, 2020 meeting transcript, Member Curran?

Member Curran: Approved.

Attorney Gilchrist: Member Schmidt? We'll note thumbs up, which is an affirmative vote. Chairperson Clemente?

Chair Clemente: Aye. Approved.

Attorney Gilchrist: And I believe Member Charette had not been a member at that meeting. Is that correct?

Chair Clemente: I believe it was July that Member Charette came on.

Attorney Gilchrist: OK, we'll note for the record that Member Charette and Member Mainello were not members for the June 15 regular meeting. The motion nonetheless is carried 3-0.

Chair Clemente: Thank you, Attorney Gilchrist. Now, let's review the agenda as posted on the Town website. There are four public hearings: 6 Genesee Street, 136 Mountain View Avenue, 116 Woodlawn Court, 18 Colehamer Avenue. For everyone's information, 793 Pawling Avenue is off the agenda for tonight. The application is delayed until the Zoning Board's meeting in September, September 21, 2020. The applicant continues to address engineering work and responding to the comments made during the public hearing on June 15, 2020. Also on tonight's agenda at 7:00pm, the Planning Board has scheduled a special meeting. It will be a joint meeting with the Zoning Board of Appeals only on the Blue Sky Towers III, LLC/Cellco Partnership d/b/a Verizon application. After that, the Zoning Board will address new business. The first item of business on the agenda is 6 Genesee Street, Mr. John Zwack, a public hearing for two area variances. We will open the public hearing on this application. Mr. Gilchrist, would you kindly read the public notice?

Attorney Gilchrist: Notice of public hearing. Notice is hereby given that a Public Hearing will be held by the Zoning Board of Appeals at 6:00 p.m. on Monday, August 17, 2020, concerning the application for area variance submitted by John Zwack for property located at 6 Genesee Street. Applicant seeks approval to replace an existing detached garage, requiring variances for side and rear setbacks at this location. Pursuant to the Governor's Executive Orders, the Town of Brunswick will be holding the August 17, 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 August 17 remote Zoning Board of Appeals meeting, as well as copies of the area variance

application for public inspection, will be available on the Town of Brunswick website. All interested persons will be heard at the Public Hearing. This was published in the Record, placed on the Town signboard, posted on the Town website, and mailed to owners of properties located within 300 feet of the project site.

Chair Clemente: Thank you, Mr. Gilchrist. Mr. Zwack, are there any changes or additions to the application materials?

John Zwack: Hello, can you hear me?

Chair Clemente: Yes, thank you. We can hear you loud and clear. Mr. Zwack are there any changes or additions to the application materials?

John Zwack: No, currently there are no changes or additions to this. I do apologize as I was having some audio and microphone issues there.

Chair Clemente: No problem, thank you for joining us. Mr. Golden, kindly refresh my memory. Did we request the applicant drawings of the proposed garage at our last meeting in June?

Chuck Golden: To the members, it is a prefab metal structure of the Carolina Carport Manufacturing, which we've had quite a few of. It's a nice building.

Chair Clemente: Thank you. Mr. Zwack would you kindly present a brief overview of the project?

John Zwack: No problem. So the current plan is to demolish a currently existing garage, pour a new Alaskan slab and then install a Carolina Carport. The width would increase by four feet into my yard. The length will stay the same. And the footprint would rotate clockwise into the yard. Currently the garage is at an angle to the property line, which causes the back rear corner to be approximately $\frac{3}{4}$ inch off the property line. So the new structure would actually be parallel to the property line and the current home just under three feet.

Chair Clemente: Thank you. The Zoning Board will open the floor for receipt of public comment. If anyone would like to speak for this application. Or against? Mr. Golden, are there any written comments on this application that could be read into the record?

Chuck Golden: We have received no comments in the Building Department on this request.

Chair Clemente: Thank you. Are there any questions from the Zoning Board members?

Member Schmidt: I looked at the garage and to me it looked like it was in pretty good shape and I was wondering what he meant when he said it was in bad shape. Is it bad inside or what?

Chair Clemente: Mr. Zwack, could you answer that?

John Zwack: Yeah, not a problem. So currently there is not a garage floor inside of it. It's a stone with wood overlay on top of it. There is a carport coming off the front of the garage and it is slowly settling into the driveway so currently we cannot get a vehicle of any sort under the carport into the garage. There's a divider wall inside the garage that kind of prevents access for what I use,

I currently have a pickup that I'm looking to store in there as well as doing some of our interior house projects having the space for that. There's no power hookup in the building, there are two layers of shingles on it and the first layer's plywood is starting to deteriorate a little as well. For myself, it would be more work improving the garage and updating it to fit my needs. It's easier and more cost effective to replace it with a steel structure.

Chair Clemente: Thank you for that explanation.

Chuck Golden: I asked Mr. Zwack the very same question because, as Mr. Schmidt said, if you look at it from the outside and see settling and stuff it didn't look like that bad of a building but as Mr. Zwack said, it just doesn't suit his needs and to be able to have it suit his needs, the time and money expending just wouldn't be worth it.

Chair Clemente: Thank you, Mr. Golden. Are there any other questions by the Zoning Board members?

Member Curran: I have no questions.

Chair Clemente: So, hearing no public comment, the Chair offers a motion to close the public hearing. Would a member second?

Member Schmidt: I'll second.

Chair Clemente: Thank you, Member Schmidt. We'll do a roll call voting to close the public hearing. Member Schmidt?

Member Schmidt: Aye.

Chair Clemente: Member Curran?

Member Curran: Aye.

Chair Clemente: Member Charette?

Member Charette: Aye.

Chair Clemente: Member Mainello?

Member Mainello: Aye.

Chair Clemente: Thank you, and Chair Clemente, Aye as well. Public hearing is closed. The Zoning Board members are prepared to deliberate and act on the application. As a residential application seeking two area variances, it's a Type 2 action under the State Environmental Review Act. No further SEQRA determination is required. The Zoning Board members will review the factors, the five factors, for consideration of an area variance. For the benefit of everyone, the discussion of the factors creates a record for the basis of the decision by the Zoning Board of Appeals. So we'll go to our first factor. Explain how no undesirable change will be produced in the character of the neighborhood or detriment to nearby properties created by granting the area

variance. What the Board must do is to consider whether dimensional alterations being proposed will result in a structure or configuration that will be seriously out of place in the neighborhood.

Member Curran: I did a site visit and I do not see where this would be a detriment to the neighborhood. In fact, I think it will add to the neighborhood.

Chair Clemente: Thank you, Member Curran. I would agree with that assessment. I think the applicant has done a fine job renovating the front of the house, the new siding, the roofline, the front porch, looks very well done, very attractive. I agree with you, I think a replacement of the dilapidating garage would be an improvement and not create an undesirable change to that particular neighborhood. Next we're 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. We're looking to see if the applicant has explored the possibility of another option. And, Mr. Zwack was saying, as the option of repairing the existing garage was questioned by Member Schmidt.

Member Schmidt: In terms of placement of the building, the building right now is at the end of the driveway and that's really the only logical place to build a new garage, right at the end of the driveway.

Chair Clemente: Thank you, Member Schmidt, I would agree with that as well. The applicant is trying to adjust the new proposed garage on a new slab and how he can correct the way that it overhangs onto his neighbor's property. Ok, next we're asked to describe whether the requested area variance is substantial and the Board should make a reasoned judgment as to whether the nonconformity being proposed is too great as compared to the lawful dimensions allowed by the Zoning Law. I'd say that the requested setback value seems substantial, the left side setback of 10 feet is required and 2.66 is proposed and the rear setback of 20 feet is required and 10.4 is proposed. However, the proposed garage kind of fits into that spot well. There's a fence on the left side property and on the right side there's an enclosed fence around the entire backyard. For our fourth factor, we're 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. For this the Board should weight the proposal's potential impact on such factors as traffic circulation, drainage, dust, noise, odor, impact on environmental and emergency services among others.

Member Schmidt: Because it's replacing an existing building, there really won't be any change to speak of.

Chair Clemente: Thank you, Member Schmidt. And lastly we're asked to explain whether the difficulty is self-created. And noting that even if present, it constitutes only one factor to be considered by the Board if it does not in and of itself act as a bar to the granting of the area variances.

Member Curran: I mean, it is self-created because he wants to replace the garage. But it's not negative that it's what he wants to do. I think it will just add to the neighborhood.

Chair Clemente: Thank you, Member Curran. Any other further deliberations? After considering the balance between the benefit to the applicant as weighed against any detriment to the community at large and the neighborhood in particular, would a member make a motion to grant, grant with conditions, or deny the requested area variances?

Member Schmidt: I'll make a motion to grant the variances.

Chair Clemente: Thank you. Motion second?

Member Curran: I'll second.

Chair Clemente: So I heard Member Curran seconds. Thank you, Member Curran. All in favor, we'll do a roll call vote. Member Schmidt?

Member Schmidt: Aye.

Chair Clemente: Thank you. Member Curran?

Member Curran: Aye.

Chair Clemente: Thank you. Member Charette?

Member Charette: Aye.

Chair Clemente: Thank you. Member Mainello?

Member Mainello: Aye.

Chair Clemente: Thank you. Chair Clemente, aye. The two area variances are granted for the side and rear setbacks. Mr. Zwack, please continue to coordinate with the Building Department on this project. Thank you very much.

John Zwack: Thank you very much for the help everyone. I really appreciate it.

Chair Clemente: Thank you. Have a good night and good luck. The second item of business on the agenda is 136 Mountain View Avenue, seeking an area variance. We will open a public hearing on the application. Mr. Gilchrist, will you kindly read the public hearing notice?

Attorney Gilchrist: Notice of public hearing. Notice is hereby given that a Public Hearing will be held by the Zoning Board of Appeals of the Town of Brunswick at 6:15 p.m. on Monday, August 17, 2020 concerning the application for area variance submitted by Marilyn Bauer for property located at 136 Mountain View Avenue. Applicant seeks approval to add a deck onto an existing nonconforming house at this location, requiring front yard setback variances from Mountain View Avenue and Sanford Road, as well as a side yard setback variance. Pursuant to the Governor's Executive Orders, the Town of Brunswick will be holding the August 17, 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 August 17 remote Zoning Board of Appeals meeting, as well as copies of the area variance application for public inspection, will be available on the Town of Brunswick website. All interested persons will be heard at the Public Hearing. This was published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties within 300 feet of the project site.

Chair Clemente: Thank you, Mr. Gilchrist. Ms. Bauer, are there any additions or changes to the application materials?

Marilyn Bauer: No.

Chair Clemente: Thank you. Ms. Bauer, could you kindly present a brief overview of the project?

Marilyn Bauer: We want to add a deck on the backyard. I don't really know to say. This is my first time.

Chair Clemente: We're glad that you're here tonight. Perhaps as questions come up, they can be addressed by you. But so far you're doing a great job. Thank you. The Zoning Board will open the floor for receipt of public comments. If anyone would like to speak for the application or against, you're welcome to do so now.

Deirdre Wechsler: Hi, I'm new at this too. Can you hear me? I live on Sanford Avenue, not Sanford Road. So your information is inaccurate for starters. And I'm a little confused because that's not the person who actually lives at that house.

Pat Poletto: Whoever was speaking there, please state your name and address for the record.

Deirdre Wechsler: 2 Sanford Avenue.

Chair Clemente: And your question is whether or not that it was appropriate for you to receive the notice? Is that your question?

Deirdre Wechsler: Well I'm just confused with the person that's actually speaking on behalf of the property where I have to listen to all the noise and building over there. And, as I said, your paperwork is inaccurate. It's Sanford Avenue, not Road. So...maybe there's some clarification that needs to be done there.

Chair Clemente: Mr. Golden from the Building Department, could you help us provide some clarification on the name of the roads where this property is located? I see that the Board members and the application has been presented with a diagram and on it is Mountain View Avenue and Sanford Road. This was received by the Building Department June 1, 2020.

Chuck Golden: I notice on the survey, the gentleman surveyor also has Sanford Road on that but it is known as Sanford Avenue. We do not have a Sanford Road in the Town. That was evidently a surveyor not doing his research on the name of that road.

Chair Clemente: Thank you, Mr. Golden. Mr. Gilchrist, does that present any problem with the notice of public hearing?

Attorney Gilchrist: I think the more important question is the inquiry about the resident or owner of the property. I'll note the application listed Marilyn Bauer as both applicant and owner. And Mr. Golden, do we have any confirmation of that? Because now there's a public comment having been raised that questions this fact.

Chuck Golden: Ms. Bauer, Marilyn Bauer, does not reside there. A gentleman I believe his name is Todd Bauer, a relation to Marilyn Bauer, is actually the resident at the house. We did have a letter from Ms. Bauer early on in this allowing Todd to act as the applicant for the building permit.

Attorney Gilchrist: So we've got a situation where the property owner has been properly named in the application. The question remains whether the notice indicating Sanford Road as opposed to Sanford Avenue raises a legal issue on the propriety of the notice. It did indicate setbacks from Mountain View Avenue and Sanford Road. We know now that this is not accurate. There's been a public comment raised regarding that and a strict reading would suggest that the hearing should be re-noticed and identify the location correctly at the intersection of Mountain View Avenue and Sanford Avenue.

Chair Clemente: So, if I heard you correctly, that because the notice was incorrect, the two roads requesting the setbacks from were not properly identified, that this would have to be noticed and taken up at the next meeting of the Zoning Board of Appeals in September?

Attorney Gilchrist: I do think a conservative approach on the notice would warrant that conclusion. We do not want as a Zoning Board to have any issue concerning notice to the public as to the location. While the application materials I think can be read to clearly identify the location, the actual notice of public hearing incorrectly identified the street and I do think that the application should be re-noticed.

Chair Clemente: Just to extend that clarification, it should be re-noticed for the next meeting in September?

Attorney Gilchrist: That would certainly be my recommendation but clearly up to the Zoning Board members.

Chair Clemente: So, Zoning Board members. Here we are in midst of a public hearing and the issue has been brought up about the discrepancy in the notice and the actual roads that this property sits along. Does any member have a comment on how we should proceed?

Member Curran: I agree with Attorney Gilchrist that we err on the side of caution and re-notice it.

Member Schmidt: I agree with that, do we need a motion or can we just do it?

Attorney Gilchrist: The public hearing was opened and a comment received that the notice had a deficiency. I think there should be a motion to indicate that the public hearing notice was deficient and that a new public hearing with the correct street names be published and a new public hearing opened at your September meeting. And that should be done by motion. One thing for the Board to also consider is whether you would like an updated application and survey map showing the correct street names so there's no confusion when people look at the documents. Mr. Golden has confirmed that the street name is incorrect on the survey map.

Member Mainello: I have a question. Andrew, are we OK with the question about the ownership and the application name?

Attorney Gilchrist: Yes, because the application does name the applicant and name the real property owner and both of those are Marilyn Bauer. The fact that she doesn't reside but has another member of her family reside at the property is not relevant. So the application appears to be filled out correctly, we just need the correct street identifiers.

Member Mainello: OK I just didn't want to have that raised next month and have to push it back another month. Thank you.

Chair Clemente: Thank you, Member Mainello. Just one point to say where we would not have to re-notice this is that the list of residents that were noticed, that is correct. So the 300 feet from the proposed project, that seems correct. The addresses on Sanford Avenue and on Mountain View Avenue are correct. But given that, I understand how we need to be correct in the notice. So I would make a motion to say that the public hearing notice is deficient. The road names need to be corrected, and a new public hearing needs to be set for the next meeting in September. I'll request some help with this motion from the members in regards to whether or not the Zoning Board of Appeals requests a new survey from the applicant with the corrected roads on it.

Member Charette: I would say that if we're putting the meeting off until next month due to the error in the public hearing, then perhaps the map should be updated to say the correct road names.

Chair Clemente: Thank you for that, I'll add that to the motion then. The public hearing notice will be re-noticed with the correct road names, a new survey shall become part of the application with the corrected road names, and a new public hearing will take place at the next meeting of the Zoning Board of Appeals in September. May I have a second?

Member Charette: I second.

Chair Clemente: Thank you, Member Charette. We'll do a roll call vote, for voting. Member Schmidt?

Member Schmidt: Aye.

Chair Clemente: Member Curran?

Member Curran: Aye.

Chair Clemente: Member Charette?

Member Charette: Aye.

Chair Clemente: Member Mainello?

Member Mainello: Aye.

Chair Clemente: Aye.

Attorney Gilchrist: And if we could just note for the record, Chairperson Clemente, the public hearing will be noticed for the September meeting. Is that at 6:00pm?

Chair Clemente: 6:00pm on September 21.

Attorney Gilchrist: Good. Thank you.

Chair Clemente: Thank you for everyone involved.

Deirdre Wechsler: Is it a problem if I still have a third question on that issue?

Chair Clemente: So, the next time that we meet in September, you'll have an opportunity to bring that up.

Deirdre Wechsler: OK thank you.

Chair Clemente: Thank you. The next item on the agenda is 116 Woodlawn Court seeking two area variances. We will open a public hearing on this application. Mr. Gilchrist, would you kindly read the public hearing notice?

Attorney Gilchrist: Notice of public hearing. Notice is hereby given that that a Public Hearing will be held by the Zoning Board of Appeals at 6:30 p.m. on Monday, August 17, 2020, concerning the application for area variance submitted by Julie Cioffi for property located at 116 Woodlawn Court. Applicant seeks approval to construct a storage shed on property at this location, requiring side and rear yard setback variances. Pursuant to the Governor's Executive Orders, the Town of Brunswick will be holding the August 17, 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 August 17 remote Zoning Board of Appeals meeting, as well as copies of the area variance application for public inspection, will be available on the Town of Brunswick website. All interested persons will be heard at the Public Hearing. This was published in the 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.

Chair Clemente: Thank you, Mr. Gilchrist. Julie Cioffi, are there any changes or additions to application materials?

Julie Cioffi: Can you hear me? There are no changes to the original application.

Chair Clemente: Julie Cioffi would you kindly present a brief overview of the project?

Julie Cioffi: I'm looking to put a 10 by 12 foot storage shed in the back left rear corner of my fully enclosed, fenced in backyard to hold pool supplies and lawn supplies as I do not have a garage on the property.

Chair Clemente: OK thank you. The Zoning Board will open the floor for receipt of public comment. If anyone would like to speak for this application or against it, you're welcome to do so. Are there any written comments on this application that could be read by the Board into the record?

Chuck Golden: There were no written comments received.

Chair Clemente: Thank you. Are there any questions from the Zoning Board members?

Member Curran: I have no questions.

Member Schmidt: Is there any reason the shed couldn't be moved a little but further from the side line? I understand it can't come forward much more, but is there any reason it couldn't move a little closer to the pool so it's not quite such a large variance from the side?

Julie Cioffi: No, there's not really a reason other than it would look a lot nicer and aesthetically pleasing to the eye to have it more tucked into the corner.

Chuck Golden: In that there is a six-foot privacy fence all the way around the property, the aesthetic value of the person that's going to see it, is with the owner. And if there were no zoning, I would take that thing and push it right up against the corner because the six feet on either end of it, it's just tough to mow and I end up piling things back there and then you hit pipe with the mower and it's just a mess. If it was up to me, I'd push it right back into the corner, but six-foot is I think in this regard is not that great of a variance request because like I say it's fully enclosed to where you can't even see it except for the roof of the shed.

Julie Cioffi: I've also got two dogs that would like to run around there. I would like it closer to the fence, but as Mr. Golden said for mowing and for the dogs to run around, six feet is a decent space.

Chair Clemente: Thank you for that explanation and thank you for the description, Mr. Golden. You sound like you speak with experience. Hearing no public comment, the Chair offers a motion to close the public hearing. Would a member second?

Member Charette: I'll second.

Chair Clemente: Thank you, Member Charette. To roll call voting. This is to close the public hearing. Member Schmidt?

Member Schmidt: Aye.

Chair Clemente: Member Curran?

Member Curran: Aye.

Chair Clemente: Member Charette?

Member Charette: Aye.

Chair Clemente: Member Mainello?

Member Mainello: Aye.

Chair Clemente: Thank you, and Chair Clemente aye. The public hearing is closed. The Zoning Board members are prepared to deliberate and act on the application. As a residential application seeking area variances, it's a Type 2 action under the State Environmental Review Act. So no further SEQRA determination is required. The Zoning Board members will review the factors for consideration of an area variance. We look to explain how no undesirable change will be

produced in the character of the neighborhood nor a detriment to nearby properties created by granting the area variances. I'll start by saying sheds to maintain the outdoor and pool equipment are in place at other properties in this applicant's neighborhood. It is also proposed as Chuck Golden said to be placed within a fully fenced backyard. And now 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 variances. I guess I'll go on to talk about what the applicant has already explained, that the applicant has explored placing the proposed shed within the setbacks, however that would position the shed in the middle of the backyard, where a pool for the owners' enjoyment and health is to be placed. Then we're asked to describe whether the requested area variance is substantial. Just to restate the requested variances, a side yard of 8 feet and a rear yard setback of 18 feet are relatively substantial. However, as stated before, the proposed shed is to go within a fully fenced backyard. Then we're asked to explain how the area variances will not have an adverse effect on the physical or environmental conditions of the neighborhood or district. And the project is the installation of a pre-made shed and will not be any increase in noise, dust, water drainage from the project. Now we're asked to explain whether the difficulty is self-created. And knowing that the consideration is relevant but shall not necessarily preclude the granting of the area variances. It certainly is self-created, I guess for the reasons stated by the homeowner. So after considering the balance between the benefit to the applicant as weighed against any detriment to the community at large or neighborhood in particular, would a member make a motion to grant, grant with conditions, or deny the requested variances?

Member Curran: I make a motion that we grant the area variances.

Chair Clemente: Thank you, would a member second?

Member Charette: I'll second.

Chair Clemente: Thank you, Member Charette. All in favor, roll call vote. Member Schmidt? Thumbs up, Member Schmidt? We'll come back. Member Curran?

Member Curran: Aye.

Chair Clemente: Member Charette?

Member Charette: Aye.

Chair Clemente: Member Mainello?

Member Mainello: Aye.

Chair Clemente: Aye. Without Member Schdmit's vote.

Member Schmidt: Aye.

Chair Clemente: Alright, thank you for that. The area variance request is granted for the side and rear yard setback. Julie Cioffi, please continue to coordinate with the Building Department on this project. We wish you the best of luck.

Julie Cioffi: Excellent, thank you. Have a great night. Thank you, Chuck, for your help.

Chair Clemente: Thank you, you too. The fourth and final public hearing for tonight is at 18 Colehamer Avenue. Mark Carley is seeking front and side setback variances. The Board will open a public hearing on this application. Mr. Gilchrist, would you kindly read the public hearing notice?

Attorney Gilchrist: Notice of public hearing. Notice is hereby given that that a Public Hearing will be held by the Zoning Board of Appeals at 6:45 p.m. on Monday, August 17, 2020, concerning the application for area variance submitted by Mark Carley for property located at 18 Colehamer Avenue. Applicant seeks approval to construct a storage shed on property at this location, requiring front and side setback variances. Pursuant to the Governor's Executive Orders, the Town of Brunswick will be holding the August 17, 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 August 17 remote Zoning Board of Appeals meeting, as well as copies of the area variance application for public inspection, will be available on the Town of Brunswick website. All interested persons will be heard at the Public Hearing. This was published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of properties within 300 feet of the project site.

Chair Clemente: Thank you, Mr. Gilchrist. Mr. Carley, are there any changes or additions to the application materials?

Mark Carley: No, there have been no changes or additions.

Chair Clemente: Thank you. Mr. Carley, would you kindly present a brief overview of the project?

Mark Carley: Certainly, I would like to have a pre-built 10 by 12 shed installed on the side of my house. It will be used for lawn equipment and bicycles for the kids, things like that.

Chair Clemente: Thank you, Mr. Carley. The Zoning Board will open the floor for receipt of public comment. If anyone would like to speak for the application or against, you may do so now. Are there any written comments on this application that could be read by the Board into the record, Mr. Golden?

Chuck Golden: There have been no written comments received for this application.

Chair Clemente: Thank you, Mr. Golden. Are there any questions from the Zoning Board members?

Member Schmidt: Again I have a question about the location of the shed. Is there any reason it couldn't be placed behind the house so that it wouldn't need the side variance?

Mark Carley: The backyard, there was difficulty finding the right spot for this shed. There are trees all along the back side, and certain areas like back to the left there's more incline, the back is all inclined near the trees, so I'd have to cut a tree down to put it along the backside. To the far right corner there's extreme, every year, water coming through the back line and then the side right line. Water from all over the neighborhood comes down there and it's slowly deteriorating. So I fear putting something that I hope to be here for 20 years on any of those areas. So the left side of the house was our preferred location.

Chair Clemente: Thank you.

Member Curran: I had the same question, because the two lots that are directly behind your house, I mean they both have sheds located along that fence line. And I had that same question about possibly putting it in a different spot along the back side of your property.

Mark Carley: Again, on our side of fence line we have five big pine trees and I'd have to cut one out to put the shed in the same area they do. So if I went to the left or right of any of those trees, I deal with an incline on the left side and the same side variance on either of those corners because I'd be on that side again. So anywhere in that area where there's a tree, it kind of blocks me from doing it. Also, I spoke with all the neighbors involved and they all gave me the thumbs up and they had no concern that it's close to their property. So that's another reason I submitted by application for this spot.

Chair Clemente: I'm not sure if that was caught, but thank you for that explanation Mr. Carley. Are there any other questions from Zoning Board members? Hearing no public comment, the Chair offers a motion to close the public hearing. Would a member second?

Member Schmidt: I'll second.

Chair Clemente: Thank you, Member Schmidt. Roll call vote to close the public hearing?
Member Schmidt?

Member Schmidt: Aye.

Chair Clemente: Member Curran?

Member Curran: Aye.

Chair Clemente: Member Charette?

Member Charette: Aye.

Chair Clemente: Member Mainello?

Member Mainello: Aye.

Chair Clemente: Thank you, and Chair Clemente aye. Public hearing is closed. The Zoning Board members are prepared to deliberate and act on the application. As a residential application seeking area variances, this is a Type 2 action under State Environmental Quality Review Act. No further SEQRA determination is required. The Zoning Board members will review the five factors for consideration of an area variance. We are asked to explain how no undesirable change will be produced in the character of the neighborhood nor detriment to nearby properties created by granting the area variances. A shed to store outdoor equipment is consistent within this R-15 Zoning District. Other properties in the neighborhood have this type of shed. Then we're 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. And we'll note that questions from the Zoning Board members were to this point and the applicant did describe removal of trees and drainage issues and topography of the backyard as why this particular site was chosen. Also to add to that, on the other side of the

house is the applicant's driveway. Then we're asked to describe whether the request for area variance is substantial. The two variances, the side setback of 5 feet where 15 is required and the front setback is 44 feet where 60 feet is required, and as the applicant wrote in his application they are not substantial relative to the lot size. Then we're asked to explain how the proposed area variances will not have an adverse effect on the physical or environmental conditions in the neighborhood or district. I would just add that the shed is being built off-site, there will not be any construction done at the residence, no noise dust or runoff. And lastly we're asked to explain whether the difficulty is self-created.

Member Schmidt: I would say yes it is self-created because the shed could be moved in a less desirable spot but I don't think it's an important factor.

Chair Clemente: Thank you, Member Schmidt. Are there any further deliberations? After considering the balance between the benefit to the applicant as weighed against any detriment to the community at large and the neighborhood in particular, would a member make a motion to grant, grant with conditions, or deny the requested variances?

Member Schmidt: I'll make a motion to grant the variances.

Chair Clemente: Thank you, Member Schmidt. Would a member second?

Member Curran: I second.

Chair Clemente: Thank you, Member Curran. Roll call vote. Member Schmidt?

Member Schmidt: Aye.

Chair Clemente: Member Curran?

Member Curran: Aye.

Chair Clemente: Member Charette?

Member Charette: Aye.

Chair Clemente: Member Mainello?

Member Mainello: Aye.

Chair Clemente: Thank you, and Chair Clemente aye. So granting the two area variances for front and side setbacks. Mr. Carley, please continue to coordinate with the Building Department on this project. We wish you the best of luck. Goodnight.

Mark Carley: Thank you all very much, have a great night.

Chair Clemente: Next on the agenda is the joint meeting of the Zoning Board of Appeals with the Planning Board on the Verizon application. The joint meeting is opened by the Zoning Board of Appeals and the Planning Board with respect to the respective pending permit applications.

Notice of special meeting will be read into the record. Mr. Gilchrist, would you kindly read the notice?

Attorney Gilchrist: I would. Chairperson Clemente, but you'll have to bear with me for a minute as I do not have that in front of me.

Chair Clemente: And just for now, I believe that Mr. Ronald Laberge is in attendance as the consulting engineer for the two boards? Is that correct, Mr. Laberge?

Ronald Laberge: That is correct, good evening.

Chair Clemente: Thank you for joining us. Just to be clear, are we waiting for Attorney Gilchrist to return to read the special meeting notice or did he ask me to read it? My computer blanked out.

Pat Poletto: I think Andy did want to get it. I was pulling up something else for Dave Brennan so I didn't have it up when he took off.

Chair Clemente: Thank you.

Attorney Gilchrist: I apologize for that, and now I see it up on the screen. Thank you, Mr. Poletto. Has this been read yet?

Chair Clemente: No it has not. Sorry.

Attorney Gilchrist: Notice of special meeting. Notice is hereby given that a special meeting will be held by the Planning Board of the Town of Brunswick on Monday, August 17, 2020. The Planning Board will participate in a joint meeting with the Brunswick Zoning Board of Appeals regarding the application of Blue Sky Towers III/Cellco/Verizon for a wireless telecommunications facility located off Creek Road. The Planning Board will join the Zoning Board of Appeals meeting at 7pm for such purpose. Pursuant to the Governor's Executive Orders, the Town of Brunswick will be holding the August 17 Zoning Board of Appeals meeting, which the Planning Board will join, over the internet, accessible to the general public through the Zoom video conferencing platform. Direction on participating in the August 17 remote Zoning Board of Appeals regular meeting and Planning Board special meeting will be available on the Town of Brunswick website on the day of the meeting. This was sent to the Record for publication, it was placed on the Town signboard, posted on the Town website, and it's my understand that we have a quorum of the Planning Board logged into the meeting and this does constitute an official special meeting for the Planning Board to participate jointly with the Zoning Board in discussion concerning this application.

Chair Clemente: Thank you, Mr. Gilchrist. The Boards will request that the applicant make a presentation concerning the proposed project. Mr. Brennan thank you for joining us tonight. Would you like to present to the Boards your information?

Dave Brennan: Yes, good evening. Can you hear me ok? Very good, thank you.

Chairman Oster: Can I just ask Andy, should we officially come onto our meeting at this point?

Attorney Gilchrist: Chairman Oster, I think that is a fair point. I neglected to do that for the record. We should do, Mr. Golden, if you could, a roll call vote for the members of the Planning Board that are in attendance at the meeting.

Attorney Gilchrist: Not hearing Mr. Golden, I'll do the roll call vote for the Planning Board members. Chairman Oster?

Chairman Oster: Here.

Attorney Gilchrist: Member Kreiger?

Member Krieger: Here.

Attorney Gilchrist: Member Mainello? It would appear Member Kevin Mainello is absent. Member Petersen?

Member Mainello: I'm here, Andy.

Attorney Gilchrist: We'll correct the record. Member Kevin Mainello from the Planning Board is present. Member Petersen? Member Petersen, not responding, we'll note his absence. Member Henderson? Likewise no response, we'll note Member Henderson absent. Member Stancliffe?

Member Stancliffe: Here.

Attorney Gilchrist: Member Tarbox?

Member Tarbox: Here.

Attorney Gilchrist: OK, there is a quorum of the Planning Board for the special meeting to be held jointly with the Zoning Board.

Chair Clemente: Thank you, Mr. Gilchrist. At this time, Mr. Brennan, would you like to kindly share your information with the boards?

Dave Brennan: Before I dive right into the presentation, first thank you everyone for getting together for this special meeting. But to take two steps backwards. The reason I think we're here this evening and certainly Mr. Gilchrist or others can hop in and interject as necessary, is that the last meeting of the Planning Board we were going through my presentation and talking about the alternative locations that have been under consideration in this matter and there was I believe a consensus that drove this request for a special meeting, which was the Boards did not want to be I guess stepping on each other's toes I think was the term I recall being used with one Board having one opinion and one having possibly a different opinion of the applications and so there was a thought that it would be good to have everyone in one location to hear the same presentation and discuss it amongst yourselves. In particular, the reason is on the screen in front of you right now is the proposal that has the location of the original application where the grey square is in the middle, and I think I had to give up control of screen so I could turn my video on, Mr. Poletto, so I can't control it right now, but that square in the middle is the lease area and that's the lease area that was proposed for a - so I've got my cursor on it now, can you see that? Chair Clemente?

Chair Clemente: I don't see a cursor moving. There, now I do. Thank you.

Dave Brennan: So this was the area of the additional application. This was the location for a 150-foot tower and by way of background, the application has always contemplated and was publicly noticed with the balloon flies for two alternative locations: one I'll call it roughly down in the location of my cursor that would require a tower of 240 feet, and another one in this tree row here that would require a tower of 80 feet. And the reason was to show a couple different alternatives but the original reason was back before the Town amended their zoning in 2017 or 18, there used to be a zoning district that bisected this property right about here. And on this side of it, up at the top of the hill, towers were allowed under the Zoning Law at the time and then on this side, towers weren't allowed and required a use variance. So at the time of the initial application we had always disclosed two alternatives because one needed a use variance and one didn't. When the Town updated their zoning, now towers are not allowed in any of these districts and in particular not in the Agricultural Overlay zone. So I would say roughly speaking the majority of the eastern part of the Town requires a use variance now. With that being said, also the topography is always driven at the low end toward Creek Avenue needing more height to maintain the antennas going up the hill 150 and towards the top of the hill 80 feet. And as a result of that, we've also been requested by the Boards at various times to provide photosimulations of the different alternatives and we did provide photosimulations and the tower at the top, there was also another location in this vicinity, would have been 90 feet because of the low height and the existing tree lines, were simmed as a stealth monopine tree. And so further complicating this discussion is the initial area, the grey square 100 by 100 that requires 150 feet meets the setback requirement of 750 feet from a residence. Anything going up into this area requires also another variance because it's within 750 feet of a residence, but you can't build a 150-foot monopine stealth tree and maintain that distance. And so with a variety of competing interests that go into this, the thought was to have a discussion amongst the boards of the various pros and cons of the application and the locations and see if the next step from the Planning Board's perspective like we started talking about at the last meeting was they need to go on to a SEQRA determination and that SEQRA determination is an interesting ping pong game. The Planning Board is lead agency so they have to make a determination under SEQRA and that SEQRA process needs to be done before the Zoning Board can correspondingly act on any variances and then after the Zoning Board acts on the variances it goes back to the Planning Board for site plan. So we've got many different aspects of zoning and land use covered in this one. So what I'm going to do is just scroll through the slides that I prepared to bring everybody up to speed and do it efficiently here. Please stop me if you want to dwell on any particular slide and then I will turn it back over. So this is just the original site plan showing the road basically hugging the tree line and the field line and coming to the middle of the field for the lease area at 150 feet. We also, I'm trying to see if I can enlarge this, this is the same version showing the road coming up the side. These were the three alternative locations for the towers. This was lower toward Creek Road at 240 feet. The central spot was 150, and the top location would only require 80 feet due to the change in topography. It keeps the antennas at the same above sea level elevation roughly and provides the service but because the topography we can attach it to the ground and keep it a lower tower. This is an aerial photo with numbers 1, 2, and 3. During the process I believe and certainly if I misspeak, correct me, but I believe that there was no one that thought the 240-foot alternative that needs to be painted and have an aircraft obstruction lighting was a good idea, so we haven't focused on that in some time. Number 3 is the location of the 150-foot tower. One is the location of the 80-foot tower, and 2 was an alternative we had proposed that would require a 90-foot tower and we flew a balloon on location 2 as well to give it another alternative. And so with that, I'm going to go through the

additional photosimulations that were prepared this summer. This is in these views the orange balloon which is flown at 80 feet and there's a red balloon flown at 90 feet. And I'll just scroll back one second. So the orange balloon is this location 1, the red balloon is location 2. So this is looking up from Creek Road, you can see the top in here is the orange balloon and then the next slide will be a simulation, I'm sorry we didn't simulate that one. We have provided other simulations previously. This is a view of the red balloon from Creek Road and what a tree would look like in the distance at that location. This is again, you can see the orange balloon in the distance, and again roughly a simulation would look something like this in the distance. This is turning around the corner and heading I'll call it roughly went on Menemsha. Again, this is the orange balloon at the tip of the cursor in the distance and further up Menemsha the tip of the balloon, so there would be a little bit of the visibility of the stealth tree above the canopy. Now we're turning a corner on Menemsha and getting onto Sandcherry Hill Lane. And neither balloon is visible going up Sandcherry Hill Lane. At the end of this set of slides, we do have I believe it's from the backyard of this house which is the O'Brien residence we do have a photo of the balloon from the back of the residence which I'll show at the end. So none of the balloons are showing up in the distance. This is photos taken from Colehamer and none of the balloons are above the trees from Colehamer Ave. And then we're not on Golden Eagle Court. If you can visualize this. Golden Eagle Court is basically a cul-de-sac to the east that comes back and joins Eagle Ridge Drive and so in this particular location at numbers 1 and 3 neither balloon is visible. This is actually the taller balloon that's further away that's shown here, the red balloon at 90 feet, and then next is a simulated tree in the view shed. This now, we've turned the corner and going up basically due south on Eagle Ridge Drive. This would be the second house around the corner, this is the orange balloon at 80 feet. Down here this where I'm circling is the fence. This is if we look at an aerial view there's a pool in this backyard that is the McDonald residence. They came and spoke at the public hearing in January and so this would be the balloon in the view shed and then this is the simulated tree in the background. This is again the McDonald residence which the pool if you look at an aerial photo there's two more houses up the hill. There's another house to the right of the McDonald house and then there's the one at the high point on the cul-de-sac so this is the red balloon at 90 feet and the view shed, and this is the simulated tree. And as we looked at these photos, I was asked at the Planning Board meeting, I think by the Chairman, as between these two locations if I was asked for which I think is the better location and why, I will recount to the Zoning Board that I said it should be the 80-foot tower which is a bit shorter and as you will see is less visible and blends better in the existing screening and also requires less of an access road. So this is the house that is to the McDonald residence to the left side of the street and the last house up, you can see their driveway going up here a little bit here to the right. This is the red balloon at 90 feet shown directly behind this house in the top of the tree. I'm sure most of my reasoning is I'm sure there's more visibility behind that house. This photo is the McDonald residence. This is the orange balloon at 80 feet and then this is the simulation. And then again this is the McDonald house, this is the fence around the pool, this is the orange balloon at 80 feet and the simulated tree. This is actually, it looks a little orange, but this is the red balloon. The McDonald house is to the left. This is the second to last house and this is the balloon and then the simulated tree behind which is tough to simulate with all the growth in it. This is, we're back on Sandcherry Hill Lane from the original photos. This green balloon is the 150-foot location, this is viewed from the backyard of the O'Brien residence. This is the 80-foot balloon here in the distance. We have previously supplied a simulation of what the tree would look like and if you recall the original set had the trunk going roughly halfway up so it was a long steel pole up to about here and we were asked to branch it all the way down so the branching now extends approximately 20 feet from the ground so it's about 65 feet of branching going down

to provide that you don't see the sky through just the trunk backlit by the sky. And this is the other side looking back. This is again the 150-foot balloon. This is the Collins residence off in the backyard of 44 Colehamer. This is the orange balloon. And this is the simulation with the branching going all the way down. I just want to go back up. We also had a discussion with the Planning Board about if there was anything else that could be done to improve this. The proposed location of the 80-foot tower is here. There was a discussion that if we slid it a little bit back into this corner it would, because there's no visibility from Golden Eagle Court, if we slid it a little further into this corner it would mitigate the view from the Collins' backyard even a little bit more and take a little bit of the view that's behind the McDonald and other houses and push it out of the view shed. So that was one thing we talked about. And I think that probably is a fair stopping point for me as to what we conveyed at the Planning Board meeting a couple weeks ago.

Chair Clemente: Thank you for that recap. At this time are there any questions from the Zoning Board members and then Russ you want to handle it from the Planning Board members or we can open it up for discussion at this time, together both Boards.

Chairman Oster: Thank you, Ann. We have reviewed the presentation that Dave gave at our last meeting and I just want to follow up on the last remark he made about possibly sliding it a little bit further to the one side. I think the general consensus of opinion of the Board was that the 80-foot pine tree was more realistic than a 90-foot pine tree or 95-foot pine tree. So I think we're probably leaning towards at this point, and I'll open it for discussion obviously, the number 1 position there at the 80-foot location.

Attorney Gilchrist: And we'll just note for the record while the Board is discussing various options that the Board is certainly not predetermining the application at this point. It's simply deliberation on various options and either what it deems to be a significant impact, what it deems to be impacts that are lesser than other proposed options. We'll just confirm for the record that we're at the discussion phase and that these deliberations should not be viewed as predetermining any application in front of either the Planning Board or the Zoning Board.

Chair Clemente: Thank you for that clarification. For Chairman Oster, could you kindly describe or go into detail some of the reasons why you found the number 1 or 80-foot pole attractive in the sense of having less of a visual impact?

Chairman Oster: I didn't quite get that.

Chair Clemente: I guess what has come up in the Planning Board before. Did you have a consensus that the number 1 or 80-foot pole is more preferable at this time with less impact?

Chairman Oster: Ann, we did discuss the two options. There was discussion about the height of a 90-foot tree or 95-foot tree at location 2 versus an 80-foot tree. We did take into consideration some of the surrounding vegetation which in both cases I believe there is a pine stand near those, but we felt at least let me express my opinion and then I'll open it up to anyone else on our Planning Board to make a comment, that the 80-foot tower would be a reasonable location to consider. The other question I had and I would like to ask maybe Andy this. If we were decide to move location 1 further up that ridge or go to location 2, which was an alternative location, this changes the original information that was presented at the public hearing. Do we have to open up that public hearing again to discuss an option that is other than the original three?

Attorney Gilchrist: We did discuss that issue and it would be my opinion that what is being proposed are responses to the public comments that were received. There were three, there was one preferred location with two alternatives and significant public comment was received. And what the applicant has done is respond to the public comments, which also includes this now alternate location 2. It would be my opinion that this would not require reopening the public hearing. This is more in the nature of response to public comments. So procedurally I don't think that would be required. This is really in the nature of Planning Board deliberation. And Zoning Board deliberation. I'll also note for the record, and I think it was noted earlier, that both boards have retained Laberge Engineers as the Town-designated review engineer and Ron Laberge is assisting both boards on not just the engineering and technical compliance and review of the application but will also be assisting the boards on SEQRA and making a SEQRA determination which in large part will include potential visual impacts and on that score I'd ask Mr. Laberge if he has any thoughts on the procedure on the public hearing and whether what has been submitted is in the nature of response to public comments by the applicant.

Ronald Laberge: I agree with Andy in the sense that the way this application is actually put together, in my mind, [inaudible]...the relocation that's being presented really is in direct response to the public comments. My own personal opinion of location is I agree with Chairman Oster. Location 1 provides probably the best screening of all the options when compared to the totality of all the residential property surrounding the parcel. It's going to be visible from different locations but that kind of minimizes it in my opinion. Along with the tree height. But back to the public hearing, I don't see this as really a completely new application by the shift in location, so I hope that answers your question, Andy. And I'd be happy to answer any questions from the boards.

Dave Brennan: Just to interject for one second. I'd also like to add that during the original balloon fly that was scheduled for this summer that was later pushed to the fall, we did notice the balloon fly and flew a balloon at all three locations. In each case, that went to every residence within 750 feet of the outside of the property boundary. And so at the public hearing I did present extensively not to location 2 because that's a newer alternative but certainly to location 1 and 3 and then the 240-foot down the hill and those were fairly vigorously discussed amongst the public as to the three different locations. So I certainly do agree that it's no surprise that we're talking about multiple locations on this tower and it was certainly the subject of debate at the public hearing. Thank you.

Chairman Oster: Just to add to that a little bit. We did have discussion when this first came out, we were talking basically standard cell towers and we got involved with the monopine design and so forth and so on, and what really kind of turned me toward that more was the fact that now you can extend these branches down to make it look like a pine tree instead of like a q-tip. I guess that's more or less the word. So that really kind of switched my mind toward the 80-foot tower. I mean certainly there are 80-foot white pines in the Town of Brunswick, so I don't think this would be entirely out of character. And there are pine trees in that general location of position 1. So I would like to hear if there are any other comments from my board on this or whether I'm basically leading the comments or if somebody has something different to add to that.

Chairman Oster: Again, I guess everybody was in agreement with me on that. But certainly we would like to hear some comments from the Zoning Board members if they wish to comment.

Chair Clemente: While we're maybe waiting for the Planning Board members to share their comments, I have a question. What came up in the public hearing was the values of the surrounding properties and Mr. Brennan I saw that you distributed a report to that regard and I appreciate that the values were local, from the Town of Niskayuna and so forth. Could you kindly expand on that report a little bit please? And then after that, Mr. Laberge, if you could kindly provide your comments on that.

Dave Brennan: Certainly, thank you. So that report was done and we had submitted one that was done for another project and it was more based upon a review of sites in the central to western part of the state and we were requested to provide additional newer data and more relevant to the Capital District. So we commissioned the same company to prepare a report and basically what they did is they went through and identified a number of existing tower locations and the methodology is basically taking a look at sales that occur in a particular location then the addition of a telecommunications tower and then subsequent sales. And basically by addressing the time value of money and inflation in the housing market, they analyze on a current value dollar, whether the prices on those homes that are in the vicinity of a tower that's now been added to the community have been reduced. And what that report says is that there was no correlation to the addition of a tower and subsequent reductions in prices. And so it's hard, in my mind, I don't know how you would for a specific location like that say how you do a study on these particular homes but what we've done is in the immediate area found other locations where there were sales before and after a tower went in and that there was no downward trend with the subsequent sale prices.

Ronald Laberge: We did review the report, although I did note in my comments to the Board we're certainly not experts in real estate and property valuation. I sent a couple notes over in the past, but one comment I would note on the report is that it didn't necessarily define whether these were line of sight properties to the tower. You know, being in the vicinity is one thing, or was the tower actually visible from the property?

Member Stancliffe: Mr. Laberge, you keep going in and out in terms of volume. I'm not sure if it's something on your computer or....

Ronald Laberge: We'll try it this way without using the space bar. Does that sound a little better Linda?

Member Stancliffe: Yes, that's better thank you.

Ronald Laberge: So what I was saying is that we're certainly not experts in real estate. We looked at the report. My only note on the report is that it didn't define whether properties were line of sight, the tower being in the line of sight from particular properties and whether that had an effect on the value. Which I think was more of the concern of the neighbors. But Andy I will kind of pass this to you a little bit. I don't know whether you had anyone else look at that report or anyone in your office looked at that report.

Attorney Gilchrist: As of right now, the Boards have not had any independent real estate appraisal or property valuation review the report. Certainly, if the Boards are inclined they can have a qualified consultant review the report and assist them in their review. We will note for the record though that concern about impact to property values was raised. There was, as Mr. Brennan stated, at this point two reports submitted. One was more generically in New York and one was more local.

They are part of the record and they're certainly available for the Boards to review and consider on that issue. It is within the Boards' abilities to retain an expert to provide counsel and guidance on the issue of impact to real property values if you're so inclined. But we will note that the record does contain the two expert reports submitted by the applicant, both concluding that there is no impact to real property values as a result of the installation of the tower.

Dave Brennan: The other thing I would like to add on this topic that distinguishes this location from many others, and we submitted this in our June 8, 2020 submission to both Boards, is we submitted a series of photos that show that all of the homes or I would say 90% of the homes that can potentially see the top of now this stealth monopine tree have significant views of an existing National Grid utility high-tension transmission line that goes right along. So every single home on Sandcherry Lane to the south is basically right in their backyards. I think they're 80 or 90 foot tall transmission towers as do all of the houses on Eagle Ridge Drive. And so the idea that there would be a potential decrease in property values as a result of particularly a stealth monopine when there's already a series of towers that make up the existing community character if there was going to be an impact on property values it's already in existence.

Chair Clemente: I have another question for Mr. Laberge. What came up in the public hearing was the merits of the application. Could you kindly speak to the completeness of the application?

Ronald Laberge: As far as the completeness of the application, at this point I would call the application complete except for the final location. This was sort of going back several meetings now where we talked about really for the applicant to finalize an application, they're really going to need to know kind of the location where to site the tower. But as far as their frequency studies and things like that, those are complete and we've reviewed those. We concur with those findings, which is a major part of the telecommunications applications. But there are a couple issues that still need to be addressed and I believe Mr. Brennan is aware of them. One is a noise study based on generator usage, which again is going to be defined by location from buildings, terrain, and again that goes to a very site specific type of study that would need to be required. So in my opinion for the application to be fully complete for any Board to actually take action or even a SEQRA determination, we would need that final set of plans for the site. I mean we know the basic footprint of what this is going to be. But we would need details. We know it's going to be a stealth tree tower, or stealth tower, but we need the detail on the site now. We know the road is going to go up the side of the fields, so then it's just a matter of what the final grade is going to be. At some point, we'll have to look at the stormwater pollution prevention plan. But those things again are very site specific. So I think that at this point and I think I addressed it in my June 15 letter, I'm not 100% sure, that in essence the application is complete except for those few items.

Dave Brennan: I agree with the list of items. That would be the same as I have. We had deferred submitting a noise study and a full SWPPP and grading until one of the locations was selected on the idea that even if you move a project 50 feet you'll end up redoing the SWPPP. So we were going to use standard erosion control measures and stormwater measures for many of the locations but we would finalize that once we had a determination if there was a preferred location. On the generator, I would just also point out that the generator had one comment of the noise from the generators. The generators don't power the site, they're powered by standard underground utility electric feeds. The generators are there for backup power in case of an extended outage. They do exercise once a week. Verizon usually does Monday or Tuesday mornings after 9am, they'll run for

about 20 minutes and come up to temperature to transfer the power over to full switch over and then shut back down. I will say we have one right outside of our office that I've walked by and you could literally have this conversation standing next to it while it's idling they're not so quiet. So I'm not expecting that it isn't quieter than anyone has at any of these homes outside of the backup generator that anyone has.

Ronald Laberge: Just one other note too, as I was kind of looking back through the comments from the meeting, one of the major concerns was that the archeological work had not yet been completed on this site, although listed to be in a sensitive area. In discussion with the consultant and as outlined in my letter of June 15, this project requires a Federal license so it goes through a Federal environmental review which requires a slightly different approach to the cultural resources investigation. And I believe this might have been discussed at the Planning Board level, I'm not sure anymore. But any SEQRA determination is going to be predicated on a successful completion of a cultural resource survey. And should that survey show anything, that there is something, you know it will be have to be mitigated. We've had projects where we actually had to do that. You know, you find something and you mitigate it. It's expensive and at that point it would be on the applicant to see if they want to amend their project, which of course would then be coming back to the Boards, or pay the cost of any mitigation.

Dave Brennan: I agree with Mr. Laberge. In the telecommunications world there is a national programmatic agreement with the historic preservations officers of each state and basically there is an online filing system that is in large part predicated on a specific site. You submit that and they look at an area of potential effects and an area I think of direct effects. But basically they look at whether there's any impact on historic structures or properties and then also there's a component of the archeological aspect. In this case, we're talking about an 85-foot stealth monopine tree. My experience would tell me that I'd be surprised to see that the New York SHPO office would be upset or find that it was going to have an adverse effect or significant effect on historic properties in the location we're talking. And then on the archeological side, there is a study done and then usually there's a shovel test that has to be done once the actual locations are determined. In this case, the access road goes down the side of the farm field. I'm not quite sure how that plays in, I've probably heard and forgotten different things about whether because that's been farmed if it's disturbed or not. But basically they'll be shovel tested again, as Mr. Laberge is discussing, if there are artifacts that are discovered, there is a process to collect those, categorize and write a report to submit to the State Museum for future use. So there's a way to mitigate any impact if we do come across that.

Chair Clemente: Thank you for that explanation. I have a question for both Attorney Gilchrist and Mr. Laberge. What is the procedure of a Board to develop a consensus for preferred location? How have you seen that done in the past and what would you recommend for this Board?

Attorney Gilchrist: First, that certainly does take all kinds of forms. Really what this boils down to is simply a discussion amongst the Board members of how they feel about these various locations. As I said earlier, not necessarily if one is "preferred" but rather more in the nature of certain locations having what could be perceived as significant detriment or significant impacts such that it's not the location that should be considered. The Planning Board has generally taken that approach of getting various thoughts from Board members about the various locations. So there's not, if you will, set procedure, really just eliciting comments from your Board members. Ron, do you have any thoughts on that procedure? Have you seen it done differently?

Ronald Laberge: I agree. It takes various forms. You know with joint boards this is a first for me. So I won't address that directly. But with my work with other Planning Boards, it's usually at the Planning Board level you're getting into these things more than the Zoning Board. It is a matter of elimination. I kind of look at it as a concept plan. Even though this is much more developed than a typical concept plan would be, where you're looking at essentially proposals from the developer, in this case telecommunication company, and again using a process of elimination and even suggestion though sometimes to kind of narrow down what is deemed reasonable by the Board to progress. And I use that term concept purposely because, as Andy said, just because we say it's area 1, well area 1 means an area. We're not 100% sure exactly where it is. We know about where it is. But you'll get that later on. It's really, this process many times, and again the Planning Board has been through it, is used really to work for the developer as well, in this case a telecommunication company, to kind of settle on what's the least offensive location. I think simply put. But there is no right or wrong methodology here if that's the basic question.

Chairman Oster: I have a question for Dave. When you choose the location for example say we decide on our preferred location would be probably number 1. What is the plus or minus on that location? Could it be conceivable to be about 50 feet to one side depending on what you have when you finally come over and really take a look at that site? There might be outcroppings or something like that which may move that pole around. Is there a general rule of when we agree on a site, whether there's some lateral movement by the applicant?

Dave Brennan: So on location 1 that we're discussing, there is a yellow triangle which is representing the location. There is actually a lease exhibit that has a defined 100 by 100-foot area that is on the lease and is something that's subject to mapping. And I'm just going to try to pull up the site plan, but basically on the site plan for location 3, the one where we had the site plan prepared, there is an actual set of coordinates given for the tower centroid. And in the wireless world we usually use something the surveying company will go out and do what they call a 1A survey and it's been a long time since I've looked at this but it deals with the precision of the survey. So 1 is within I'll say a foot vertical and A is within five feet horizontal or vice versa, but basically it becomes a very specific point because when we have to register this with the FAA and provide those coordinates so it goes on the mapping for airplane flights they want to know right where the thing is and exactly how tall it is. And so it's very precise. It's not plus or minus feet. We do have and we've always provided the lease exhibit for location 1 and location 3 which shows the exact 100 by 100 so it's within that location. Certainly we have in particular on location 1 we have a little bit of latitude within that, but basically we do try to put it generally within the middle of the lease area unless there is some corresponding design limitation like grading that we would deal with if they needed to grade. But it's not a lot of movement on those.

Chairman Oster: Thank you for that, I appreciate it.

Attorney Gilchrist: Again if I could just note for the record there was a discussion earlier about when the Boards identify a site, we'll just confirm again that this discussion is identifying the location where the applicant can then move forward, complete the requirements for filling out the application fully like we talked about earlier, the noise assessment, stormwater analysis. This is again, not to predetermine any action or approval on a specific location but rather to identify a location to then fully apply your review standards once the application is complete. Understand from the applicant's perspective too, and Mr. Laberge said earlier many times you work with the

applicant, the applicant does need to identify a site to do those specific studies to complete the application, acknowledging that the Boards still need to complete their final determination applying their standards and then in this case the Planning Board will need to do their SEQRA determination. So I just wanted to note for the record that this is not a predetermination of approval of any particular variance or special use permit or site plan, but rather a location that is of the opinion of the Boards, should have additional information submitted so that they can complete their determination on the application.

Chairman Oster: Would like an informal poll, is that something that we're looking for here to establish at this meeting?

Attorney Gilchrist: No, it's not and I would suggest that neither Chair poll their members at this point. This is really to elicit some comments from Board members. Unfortunately, some of the Board members have been silent. But that's their prerogative. And if the Chairs are accurately stating their opinions well then the record will be so noted, but this is to provide some direction for the applicant then to move forward. You should not at this point be polling the Board or asking for any particular yay or nay on that. Just to elicit comments on these alternate locations.

Member Tarbox: Dave, can you say how much grading you're going to need at site 1? And there's no use of putting a tower up if they're not going to work. So these towers will work when you put them up? They will solve the problem that you have with your coverage?

Dave Brennan: So in response to that, my answer is yes that the tower will work and solve the problem when it's up because we couldn't agree more that there's no use in putting a tower up that doesn't work. And that would be more than disappointing for all of us to go through this and not solve a problem. So we're comfortable through our RF analysis that the tower will work. On the grading, I don't have grading on site 1 at my fingertips unfortunately. I can provide that information. As I recall discussing with the engineer, the location 2, the more southerly location for a shorter 90-foot tower, had more terrain issues and possibly a little bit of a drainage flow area coming off the top of the hill through it, so as between the two locations, location 1 was going to have less grading and fewer issues with construction.

Member Stancliffe: I had a question regarding photosimulation P20. You show option 1, the orange balloon; was option 2 not visible from that location?

Dave Brennan: So this was when we flew the second balloon at location 2, the 90-foot red balloon, we didn't go back into the backyards. We flew them and ran the visual resource evaluation from the street. And so this photo was taken in the fall with the original 3 balloons at 80, 150, and 240-feet off the screen.

Member Stancliffe: So do we know from the backyard if option 2 is visible from this location?

Dave Brennan: We don't know from this information. I can talk to our engineer and see if we can evaluate that. My sense is it is. It certainly was visible from Eagle Ridge Drive from the backs of the homes, so I would expect that it would be visible from this location as well but I'll get an answer to that question.

Member Stancliffe: And I would ask the same for P21, which was I believe the backyard of 44 Colehamer Avenue.

Dave Brennan: OK, I understand that question and I'll get a response for that.

Member Stancliffe: Thank you.

Chair Clemente: I have a question for Mr. Laberge in regards to Member Tarbox's question. Mr. Laberge, the RF analysis, did you find it complete and satisfactory to your standards in your review.

Ronald Laberge: We did. And the original RF analysis, remember the Board also requested some additional information on that and the applicant did basically a drive through type analysis where they drove through the site and picked up what information they can from the existing towers to kind of verify that the holes in their system are as shown on their propagation study. I can let Mr. Brennan speak to that in more detail, but between those two studies it pretty much identified the problem that exists and this location basically fills that hole for the carrier.

Dave Brennan: I don't want to get too far into this, but we do believe we've shown both through our RF plots and drive test data that there is a significant gap in coverage and that one of these facilities will serve to remedy that gap in coverage. Certainly Mr. Laberge, at least one location if not more, has identified that he agreed with that and again it goes back to Mr. Tarbox's question. We'd have a bad business model if we were building sites that were either unnecessary or didn't remedy the problem. So we're comfortable that we both have a problem and it justifies the significant expense of deploying a new site to fix it.

Chairman Oster: I guess at this time I'll ask one more time whether anyone wishes to make any comments from my Board in order to maybe get some direction here.

Chair Clemente: Maybe while we're waiting for that I could ask another question to the applicant. So the Zoning Board, this is the largest structure that the Zoning Board has dealt with so far and in my time, I believe some of the other members' time on the Zoning Board as members. So dealing with shorter structures to mitigate the visual impact, a condition or a request has been to provide visual barriers. Most likely in the form of live trees, though I'm sure a fence could do that as well. So with this height, would it be possible to provide a visual barrier for the surrounding properties to mitigate that visual impact? What have you seen?

Dave Brennan: So I guess there are two parts to my answer. One is that when we've transitioned from a standard monopole tower to a stealth structure that is in a treeline, we believe that the majority of the impacts are thereby mitigated. And then the other aspect of this is that there is the ability to, in certain locations, plant trees. We have typically done that around base station equipment where it's low. Obviously you can't plant a six or eight foot evergreen tree at the base of this and get anything out of it, so what we have done in certain cases from specific locations is provided an amount of money to a property owner to purchase trees and install trees on their property line if there's a specific view that we wanted to try and mitigate. And probably the best two examples, I'll go back one slide, the O'Brien residence which is up on the top of Sandcherry Hill Lane, while there's a good view of this tower if you were to look at this from an aerial view, they have screening all along their backyard except for essentially this width which is standing on their

property line where they've taken down or something has taken down the trees in this particular location and looks like they've opened it up so they have a nice view going out. You could put in theory trees across this location in here, and stagger them to mitigate the view across and that's something we would certainly consider if that was between the stealth monopine and some discreet trees. We don't want to install them ourselves or have Dave Brennan go and water them, but we would certainly, what we've done in the past, is provided an amount of money so that the property owner could install trees on the property line to provide some additional buffer.

Chair Clemente: Thank you for that explanation, Mr. Brennan. So, Mr. Oster, I believe if you want to continue to go forward, I think procedurally you would vote. You and your members would vote to end the special meeting and then you'd meet again at your regular meeting and then the Zoning Board would continue with new business. I think that's where we are. If we are no longer having a discussion.

Dave Brennan: Before you take a vote and close, the one thing that's in the background is these concurrent applications which have been pending since I'll say June of 2019 and we've regularly renewed the shot clock through Mr. Gilchrist's office to extend the time to review it. But I certainly when I go back and report to my client, there's going to be a question about when do we get to the final act of the review. Certainly I can appreciate Mr. Gilchrist not wanting the Board and I don't know if I agree that it's prejudging it because the application is before you, but to provide some insight to us that if none of these three alternatives are considered viable to the Board members, I don't think it's an unfair thing for you to tell us that rather than us having to go through and prepare a full SWPPP and Mr. Laberge could opine better than I on the number of \$10,000 or more but it's not insignificant money in engineering of a site if we were to come back and find out that none of these work for us. We need to get to a point where someone is agreeable to a vote and then probably related to that is the standard by which the application has to be judged particularly at the Zoning Board level, it's not your traditional standard for a use variance or an area variance to deal with, it's the public necessity standard and reduce showing that we've basically in three parts identified gaps in service that the location will remedy those gaps and that the facility presents a minimal intrusion on the community and so from my perspective I think we meet those all day long. We certainly have identified a gap, shown that we're remedying the gap, and with the facility in its present intended location as a stealth monopine that it's a minimal intrusion on the community, particularly against the backdrop of an existing high tension corridor that goes right next to all of these homes. And so I think it's late in the night and you've had a long night already, I don't want to belabor it, but we are somewhat desperately looking for some direction and then we will certainly do whatever we need to do to finalize the application but I can tell you from the noise study perspective I've yet to see one that comes back and says that we're going to cause a noise problem so I'm not worried about the grading plan and engineering with all deference to Mr. Laberge, the SWPPP is simple engineering and it's not as if we can't solve any of those problems. The thing I can't solve is location and visibility and whether or not it all comes down to visibility and the Boards' sensibilities of whether you're going to agree or disagree that this is a minimal intrusion.

Chair Clemente: Thank you for that summarization of those three standards.

Chairman Oster: I think based on our previous meetings of the Planning Board and so forth and so on, there is a general consensus that we would like to see possibly the moving forward with the 80-foot tower. I haven't heard anything contrary to that tonight from my Board members. We

are going to be discussing this at our meeting on Thursday the 20th. You're on our agenda and after I talk to attorney Gilchrist on this, and how we're going to move forward on this, I would say that the Planning Board unofficially if you want to call it that, would lean toward the 80-foot site at this point.

Dave Brennan: I appreciate that and certainly I'm not trying to put anyone or make anyone uncomfortable, I'm certainly not trying to and I don't think I am, because of the folks I know on these various Boards I don't think that's it. So I think with that from my perspective, if we are on the agenda for the Planning Board on Thursday and it will be another opportunity to continue the conversation, which I appreciate. And we certainly would request that we're carried on the Zoning Board agenda, I don't have that date right in front of me but I'll look it up for your third Monday in September and we'll circle back with the Zoning Board at that point.

Chair Clemente: The 21st, Mr. Brennan. We look forward to seeing you then.

Chairman Oster: Unless Andy has some input on this, I think I'm going to follow Ann's lead here and probably conclude the Planning Board special meeting if that's appropriate at this time.

Attorney Gilchrist: Russ, I believe it is and you're correct, the procedure would be to close your special meeting and the Zoning Board will continue with its regular meeting.

Chairman Oster: Do I have a motion to adjourn our special meeting? I'll make that motion. Do I have a second?

Member Stancliffe: I'll second that motion.

Chairman Oster: And do we have to do a roll call vote on that, Andy? I assume.

Attorney Gilchrist: On the motion to adjourn the Planning Board special meeting, roll call vote as follows: Chairman Oster?

Chairman Oster: Yay.

Attorney Gilchrist: Member Krieger?

Member Krieger: Aye.

Attorney Gilchrist: Member Mainello?

Member Mainello: Aye.

Attorney Gilchrist: We'll note Members Petersen and Henderson are out. Member Stancliffe?

Member Stancliffe: Aye.

Attorney Gilchrist: Member Tarbox?

Member Tarbox: Aye.

Attorney Gilchrist: Motion is carried and the Planning Board special meeting is closed.

Chairman Oster: Thank you for including us in your meeting, Ann, and we will proceed ahead with our business on the 20th. Just as a side note, that would be an open meeting. That is not going to be a Zoom meeting. So any of the members of the Planning Board that are on here, I would suggest that they come to the meeting a little bit early because there are some procedures that we will have to go through to get into our meeting. So with that, thanks again Ann. We'll be talking later.

Chair Clemente: Thanks, Russ, for joining us tonight. It was a pleasure having you.

Chuck Golden: Question for Attorney Gilchrist. The two members not present with the Planning Board were Petersen and the second gentleman was who?

Attorney Gilchrist: Member Henderson.

Chuck Golden: Thank you.

Chair Clemente: Thank you, everyone. We'll continue the Zoning Board of Appeals meeting to new business. We have four applications. 11 Riccardi Lane, second is 30 Killock Avenue, third is 42 Humiston Avenue, and lastly 718 Hoosick Road. Look at 11 Riccardi Lane. Applicant is seeking two area variances. Travis Wagner, are you in attendance here tonight?

Travis Wagner: I am.

Chair Clemente: Thank you for being here and joining us. Mr. Wagner, could you kindly give us a brief overview of the project?

Travis Wagner: I am constructing an accessory building. It will be a garage to store some cars and a boat that I have. It will be an all metal construction building. And it will have an Alaskan slab floor.

Chair Clemente: Thank you. Mr. Wagner I'm going to ask you because this is part of the elements that the Zoning Board deliberates on, are there any other areas on the property where you could have met that front setback?

Travis Wagner: Unfortunately that's the main issue. On the other one that I provided that's the tax map which shows the elevation change. It's like a 60-foot drop off directly behind, it's very sharp and steep. It's as far as I could possibly push it back.

Chair Clemente: And Mr. Wagner you're also requesting a size variance on the structure. What you've proposed is 2,250 where 1,500 square feet is allowed.

Travis Wagner: Yes, the main enclosed structure is 1,500 but I included a lean-to overhang off the side because I have an enclosed snowmobile trailer and an RV I'd like to park undercover. But that goes with the square footage, so that's why it's bigger than it needs to be.

Chair Clemente: OK. And, Mr. Wagner, do you give permission to the Zoning Board members to visit this site?

Travis Wagner: Yes I do.

Chair Clemente: OK. I'll ask if any other Zoning Board members have any questions for Mr. Wagner at this time. Otherwise I would deem the applications complete and ready for a public hearing at our September 21 meeting. So I'll open up to the Zoning Board members at this time.

Member Charette: I have no questions.

Member Curran: I have no questions.

Member Schmidt: I have no questions at this time.

Chair Clemente: Well thank you for that feedback. So, Mr. Wagner, we'll hold a public hearing. I'm not sure if you were on for the beginning of this meeting way back at 6:00pm but the neighbors surrounding the project site within 300 feet will be notified of this project. They'll have the opportunity to come to the Zoning Board meeting in September on the 21st at 6:00pm to voice their approval or disapproval and if they have any questions they're also permitted to submit written letters for or against the application. And then the Zoning Board members will deliberate on the application and hopefully be able to render a decision on that night.

Travis Wagner: OK good.

Chair Clemente: Do you have any questions for us now?

Travis Wagner: I do not.

Chair Clemente: If anything does come up, you can contact Chuck Golden at the Building Department to help you through it. Otherwise, thank you very much and we'll see you next month.

Travis Wagner: Thank you and thank the Board for your time.

Attorney Gilchrist: So that will be placed on the September 21 agenda. The application was deemed complete and it will be scheduled for a public hearing? Is that correct?

Chair Clemente: That is correct.

Attorney Gilchrist: And we have the re-noticed public hearing for earlier, will this one be at 6:15pm?

Chair Clemente: It is. I believe I mistakenly told this applicant it was at 6:00, but it would make sense that the 11 Riccardi would be at 6:15 after the re-noticing of the Bauer application.

Attorney Gilchrist: OK, it will be noticed for 6:15pm.

Chair Clemente: Thank you, Mr. Gilchrist for asking for that clarification. Moving on to our second item of new business is 30 Killock Avenue proposing a 12x24 accessory structure for one area variance it's a front setback where required is 60 feet and proposed is 8. We have Mr. Adam Coonrad, are you with us tonight? Is there a representative of 30 Killock Avenue who could speak

on behalf of this application tonight? If not, I'll turn it over to Chuck Golden at the Building Department who can kind of summarize.

Chuck Golden: I can certainly try to raise the individual. I have been over at this site, as it is very tight as you can see by the front property line going just about through the front of the house or across the front porch. There was a 1-foot setback for the home. And the gentleman has a peculiar parcel in that there is a tail off the back of it which accesses Goodman and with the pool location and the other garage-type structure to the left, they are looking at putting it on the right side. Underneath that tree, the woman home-schools three children. So a lot of the classroom activity is underneath that tree that they have during the day where they're outside and they really didn't want to push it back that far. They just considered this to be the best location. I will try to find Mr. Coonrad and try to raise him. I told him he should plug in at 7:00pm so I'm not quite sure where he is.

Chair Clemente: That's alright, it's certainly past 7:00pm so I understand that perhaps if they have small children in the house, we are an hour and a half past what we asked him to be at, so I'm sure it was probably inconvenient. So just confirm, Mr. Golden, the proposed site would be behind the area where the children currently so their homeschooling? Is that correct?

Chuck Golden: Actually in front of. The grade section just to the right of the house is shown on your screen right now, showing where that shed is going to be located.

Chair Clemente: OK so the hash marks.

Chuck Golden: Yes exactly, mine is a little more outlined and the dimensions on the sheet which I gave the members shows it with a little more clarity.

Pat Poletto: Sorry to butt in, Sarah Coonrad just signed in.

Chair Clemente: Welcome, Sarah Coonrad.

Member Charette: Their microphone isn't working it says in the chat down below.

Sarah Coonrad: Can you hear me?

Chair Clemente: Good evening, thank you for being with us tonight.

Sarah Coonrad: Sorry, our iPad wasn't working.

Chair Clemente: Challenging circumstances, we totally understand. Could you kindly give us a brief overview of the project?

Adam Coonrad: Yes, we're looking to get a shed to facilitate some extra storage room for our yard. My wife homeschools so we have a lot of yard toys and we care how our home looks and what not and really just want to be able to take care of our products and stuff and be able to kind of work with the neighborhood. Our neighborhood is really nice and we want to kind of get the ball rolling and you guys are the first step, so we figured we'd contact you and Chuck has been really incredibly helpful and here we are.

Chair Clemente: Yes, we have a really A-Plus Building Department here in Brunswick. So the application appears complete for the purpose of scheduling a public hearing, and that will take place at our next meeting, which is September 21 and that will happen at approximately 6:30pm.

Adam Coonrad: OK.

Chair Clemente: I'm not sure if you were on earlier to hear some previous public hearings. Do you have any questions about that procedure at this time?

Adam Coonrad: No, I've been on since around 7:15 and got to hear most of the cellphone tower thing. We've been to these meetings at the Town in the past so we kind of have a jist of what's what. Do you guys have any questions for us? Is there anything else we can do to assist?

Chair Clemente: I don't think at this time but at the public hearing the Zoning Board members will have an opportunity to ask you questions as well as the public. Thank you very much and have a good night.

Adam Coonrad: Thank you very much.

Chair Clemente: Our third item of new business is 42 Humiston Avenue. It might sound familiar. This is one variance that's being requested. It's a building height variance. So, this applicant has been before the Zoning Board this past summer. And the Zoning Board approved a variance for a height of 23.5 feet. The applicant is coming back to see if they can increase that to 29.5 feet. Is the applicant with us tonight?

Denise Breen: Yes.

Chair Clemente: Welcome, Denise. Thank you for joining us tonight. Could you kindly just give us a brief overview of your project?

Denise Breen: Yes, we're looking to add 6 feet to the previous plan to facilitate being able to restore a camping trailer, which after some discussion and some assessment of the project we realized the previous height wouldn't allow us a chance to work on top of it. So we're requesting this extra 6 feet which will allow us to do that.

Chair Clemente: Thanks, Denise. If I understand correctly, is this a two-story building.

Denise Breen: Yes, there is a loft space.

Van Phung: Yes, there is a loft space for storage.

Chair Clemente: Great, well thank you for that. Your application appears complete for purposes of holding a public hearing. You guys are old pros at this. The next date is September 21 and I believe we're up to 6:45pm.

Denise Breen: OK thank you very much.

Chair Clemente: We'll see you then, have a great night. And our fourth and final new business application. It's at 720 Hoosick Road. It's an existing Taco Bell. They're looking for an area variance for a signage request. Would a representative from Bohler Engineering be with us tonight?

Tim Freitag: Good evening, Chair Clemente. We also have Mike McCracken with Hospitality Syracuse, Inc. as the applicant.

Chair Clemente: Thank you both for joining us. Could you kindly provide a brief overview of your project for the Zoning Board members?

Tim Freitag: Good evening, we appreciate your time this evening. And I'm sure everybody is tired but I appreciate everyone sticking around for us. We're here to introduce our request for a freestanding sign variance at the existing Taco Bell facility at 718 Hoosick Road. Our site is part of the 16-acre PDD property for the Brunswick Plaza. It's along the heavily commercialized corridor of Hoosick Road. The applicants have pursued three signage area variances, all really triggered by the request for the free-standing sign. Since we're part of the PDD and the plaza property, our application for a second free-standing sign on the site is not allowed by code since there is an existing plaza center sign on the 16-acre property outside of the leasehold property for Taco Bell. In addition to the free-standing sign request, we also need relief for the total area of proposed signage, existing on-site is 114 square feet, this free-standing sign or monument sign is 32 square feet in size which would push us up to 146 square feet including one sign or 178 square feet including both sides of that free-standing sign. This 178 square feet also includes the existing menu board and drive-thru signs. We'll also need relief for the total number of proposed signs on the leasehold property. Seven exist today, that includes five wall signs, directional signs, and menu board sign. It was previously indicated that the five wall signs, each wall sign was separate between the Taco Bell emblem and the Taco Bell text. So the three signs on the existing building have wall signage but there are five signs total. This request goes from seven existing to proposed eight signs on site. A little history of the project, back in 2018–2019, Taco Bell and Sunmark were before the Town for site plan review and associated area variances for the development of these two projects. The projects had successful openings in 2019. At that time, the applicant did apply for a similar free-standing sign. The Zoning Board conducted a diligent review of this sign application and after a few meetings and many back and forth efforts, the applicant did withdraw their application because the Board felt the signage was a little excessive and did not have much purpose at that time. The applicant was challenged to see if they could survive without this free-standing sign and the need for the variance. As part of our application, you'll find a letter from Mr. McCracken himself indicating the restaurant is facing financial hardship. The restaurant is underperforming. A certain surprise to this heavily commercialized corridor of Hoosick Road with similar uses. Access to our site is difficult due to the busy multi-lane corridor of Hoosick Road and the need to access the site from the existing signalized intersection to the plaza. We don't have our own separate curb cut. And visibility for patrons prior to this intersection is crucial for the success of our restaurant. Where these types of uses, quick-serve restaurant uses with a drive-thru, 40% of business is provided by pass-by traffic. People see the restaurant and stop in for food. If you miss the opportunity or drive by, people don't tend to like to turn around, we lose a customer and there are lots of competitors further down Hoosick Road that provide similar opportunities. If you drive by this site, you'll see that we're challenged for visibility a little bit from the east side. We have a very limited Taco Bell script text halfway on the side of the east side of our building located over the door. It's very small. And it's pushed back from the road in the middle of the building, tough

to see for westbound traffic. From the west side, the building is actually further blocked from the neighboring building. We've got Pioneer Bank to the west of us, they're set back about 40 feet from the road where Taco Bell is set back about 80 feet. Again, challenging from a visibility perspective for passers-by. We believe signage up closer to the street will substantially help increase visibility to the store and allow patrons adequate time to decide to enter our site and maneuver to the appropriate turning lanes to enter our site safely. Our sign is proposed to meet the 15-foot required front yard setback. We're proposing a monument-type sign which is in harmony with Pioneer Bank's sign and Sunmark's sign next door to us. It's proposed at 9 feet tall when 30 feet is allowed by code, and at a minor 32 square foot per side. The Taco Bell leased area is large enough to support the restaurant use in its entirety and the free-standing sign would actually not be required if we were subdivided to our own parcel. We're within the overall shopping center parcel of the 16-acre site, total signage area and number of signs would obviously still need relief for our proposed request. But much of that is driven by the menu board and directional signage as well. There's the existing free-standing sign on the overall 16-acre parcel, but that is the shared plaza sign. We don't have access to a spot on that shared plaza sign. It's also outside of the leasehold site area for Taco Bell. And I'll just point out that our neighbor Sunmark as part of their project in 2019 did get their own monument sign since they sit on their own parcel next door to us. We hope the Board will sincerely consider our application. Certainly please let us know if you have any questions or what further information you may find helpful to consider our application. Here we're hopeful to prevent a downward trend of an underperforming store in the Town of Brunswick to keep our doors open, keep the employees employed, and continue to maintain a nice, clean, new site. So thank you and Chair Clemente I'll turn it back over to you.

Chair Clemente: OK thank you for your presentation. And if we, in reviewing your application, did have any questions, we would bring it to Mr. Chuck Golden at the Building Department who would then contact you. So thank you for making yourself available to our questions. Other than that, it looks...

Chuck Golden: Excuse me, Chairman. I just have a few questions for Tim. Did your calculations include all of the signage you currently have on all the glass? In the dining area, every glass window has some sort of signage on it. Did your numbers include that?

Tim Freitag: No sir it just included the wall signage, the menu board signage and the directional signage.

Chuck Golden: So you will be removing those off the windows?

Tim Freitag: If that's what's required.

Chuck Golden: My next question is regarding the menu boards. A menu board usually goes up in the summertime that includes just drinks. That was not included in the original one. Did you calculate that into your numbers?

Tim Freitag: No sir, we did not. I can certainly speak with the applicant on that.

Chuck Golden: And just my last thing in speaking with other business owners along this corridor, what drivers are looking at are the bumpers of the cars in front of them. They are not

looking at signage. They're looking to not rear-end somebody in bumper to bumper traffic. That's just a general observation that I wanted to throw out there. And that's all I have, Chairperson.

Chair Clemente: Thank for those final notes.

Attorney Gilchrist: I do have a question for Mr. Golden. In the application that was filed, is there any authorization by the underlying property owner? Or is the application simply on behalf of the tenant?

Chuck Golden: It was put in simply on behalf of the tenant.

Attorney Gilchrist: And is there any letter of authorization from the property owner in the file?

Chuck Golden: That is a good question, Attorney Gilchrist. I'll have to look into that.

Tim Freitag: The owner did sign the application.

Chuck Golden: OK.

Attorney Gilchrist: Mr. Poletto, if you can just get that online and scroll through that?

Pat Poletto: I don't seem to have the application.

Chuck Golden: Well it should be the fourth one down on number 7, the actual sign variance.

Pat Poletto: OK.

Attorney Gilchrist: I think it's right....next one down. The fourth number 7 item. There you go. Keep scrolling down.

Chuck Golden: You're correct, Mr. Freitag.

Attorney Gilchrist: OK so the property owner does look like they executed the application, so that's complete Chairperson Clemente.

Chair Clemente: Thank you for making note of that. Are there any other questions or concerns for this applicant at this time?

Member Schmidt: I had a question for Attorney Gilchrist. One of their main reasons for wanting this is that the store is underperforming and they have a letter stating that fact. Do we need more information than just somebody's word that they're underperforming before we can use that information?

Attorney Gilchrist: Member Schmidt, it's going to be the burden of the applicant to submit ample evidence so that the Board can make a decision on whether or not to grant the variance. If you think there's not been adequate information and a letter is not sufficient, you have every right to say we need additional information. It's up to the applicant to supply that. It could be supplied either in writing, or verbally by the applicant on the record at your public hearing. But you have every right

to ask for additional information on the application. A letter alone can raise some questions. It's simply a letter, it's not testimony, or any kind of economic evidence in front of the Board.

Member Schmidt: Thank you.

Chair Clemente: Thank you for bring up that point, Member Schmidt. It is interesting, how would the applicant demonstrate that the sign would improve business. Alright, so we would look to this for the agenda for our next meeting on September 21. We've gotten to 7:00pm already so 720 Hoosick Road is on the agenda for our next meeting at 7:00pm.

Chuck Golden: The actual address is 718, which has been a problem. 722 is actually the credit union and 718 is actually the Taco Bell.

Chair Clemente: Strike that, you're right. I did say 720, I mean 718. Thank you for that correction. So then if that wraps that up, if there's any other business from the Zoning Board members? If not, then the Chair makes a motion to adjourn to end the meeting. So I'll take a breath, does anyone have any other issues to discuss? OK then the Chair makes a motion to adjourn to end the meeting. Would a member second?

Member Curran: I second.

Chair Clemente: Thank you, Member Curran. Roll call vote. Member Schmidt?

Member Schmidt: Aye.

Chair Clemente: Member Curran?

Member Curran: Aye.

Chair Clemente: Member Charette?

Member Charette: Aye.

Chair Clemente: Member Mainello?

Member Mainello: Aye.

Chair Clemente: Thank you. And Chair Clemente aye. That concludes our meeting. Thank you, Pat for acting as our esteemed moderator. Goodnight to everyone, see you next month.