

**ZONING  
MINUTES**

**2002**

NOTICE OF PUBLIC HEARING

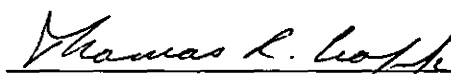
NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 25th day of February, 2002, at 6:00 P.M., at the Town Office Building located at 308 Town Office Road in the Town of Brunswick, on the appeal and petition of EDWARD P. SUPRENANT and MARY E. SUPRENANT, owners-applicants, dated January 22, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a kitchen addition to a residence located at 17 Easy Street, in the Town of Brunswick, because the proposed construction violates the rear yard setback in an R-15 District, in that 35 feet is required but 31 feet is proposed.

FURTHER NOTICE IS HEREBY GIVEN that said EDWARD P. SUPRENANT and MARY E. SUPRENANT, owners-applicants, have petitioned for said area variance, and said appeal and petition are now on file in the Office of the Superintendent of Utilities and Inspections, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
February 1, 2002

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
\_\_\_\_\_  
THOMAS R. CIOFFI  
Town Attorney

NOTICE OF PUBLIC HEARING


NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 25th day of February, 2002, at 6:00 P.M., at the Town Office Building located at 308 Town Office Road in the Town of Brunswick, on the appeal and petition of LINDA BRONK, owner-applicant, dated January 10, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a two car detached garage on a lot located at 147 Brunswick Road, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-15 District, in that 15 feet is required but 11 feet is proposed.

FURTHER NOTICE IS HEREBY GIVEN that said LINDA BRONK, owner-applicant, has petitioned for said area variance, and said appeal and petition are now on file in the Office of the Superintendent of Utilities and Inspections, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
February 1, 2002

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK



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THOMAS R. CIOFFI

Town Attorney

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FURTHER NOTICE IS HEREBY GIVEN that the said C.K. PROPERTIES, LLC., applicant, has petitioned for said Variance, and said appeal and petition are now on file in the Office of the Superintendent of Buildings, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said appeal and petition will be heard at the above time and place.

Dated: Brunswick, New York  
February 1, 2002

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
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THOMAS R. CIOFFI  
Town Attorney

NOTICE OF PUBLIC HEARING

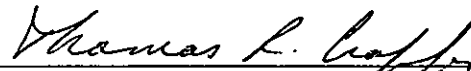
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FURTHER NOTICE IS HEREBY GIVEN that said ROBERT J. MASON, owner-applicant, has petitioned for said area variance, and said appeal and petition are now on file in the Office of the Superintendent of Utilities and Inspections, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
February 1, 2002

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK



THOMAS R. CIOFFI

Town Attorney

TOWN OF BRUNSWICK  
**ZONING BOARD OF APPEALS**

308 TOWN OFFICE ROAD, TROY, NEW YORK 12180  
PHONE: (518) 279-3461 -- FAX: (518) 279-4352

**DRAFT MINUTES**

A Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on February 25, 2002, at 6:00 P.M.

Present at the meeting were: James Hannan, Chairman  
Amy Serson, Member  
Joseph Jabour, Member  
E. John Schmidt, Member  
Caroline Trzcinski, Member

Also present were Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary, and William Austin, Superintendent of Utilities & Inspections.

There was a workshop meeting at 5:30 P.M. at which the Board Members informally discussed agenda items and reviewed the files. The Board scheduled the next meeting for April 22, 2002. There are no timely applications to consider in March. The Chairman called the regular meeting to order at approximately 6:00 P.M.

The first item of business was consideration of the Minutes of the December, 2001, meeting. Member Serson moved to approve the minutes as prepared. Member Schmidt seconded. The motion carried 5 - 0.

The next item of business was the appeal and petition of LINDA BRONK, owner-applicant, dated January 10, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a two car detached garage on a lot located at 147 Brunswick Road, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-15 District, in that 15 feet is required but 11 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Raymond and Linda Bronk appeared. Mr. Bronk stated that there was an existing concrete block garage on the site. They had about 70% of it removed. They used 3/4 of the existing foundation and added to it. They had problems with their contractor. He agreed to get the building permit and didn't. Also, the work he did on the garage was shoddy. Mr. Austin said it had to be redone. They also had to have a survey done once they discovered there was a setback issue. The contractor was Sharif Mohammed. They paid him about \$6600.00.

Mrs. Bronk said that the contract did not specify who was to get the permit although the contractor stated he would do so. Mr. Bronk said that the contractor even charged them for the permit.

John Lareau, 145 Brunswick Road, stated that the Bronk's are improving the property. The old garage was an eyesore. He has no problem with it. No one spoke against the application.

Member Serson made a motion to classify the matter a Type II action under SEQRA. Member Jabour seconded. The motion carried 5 - 0. Member Serson thereupon offered the following Resolution:

***BE IT RESOLVED, that with regard to the appeal and petition of LINDA BRONK, owner-applicant, dated January 10, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a two car detached garage on a lot located at 147 Brunswick Road, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-15 District, in that 15 feet is required but 11 feet is proposed the Zoning Board of Appeals:***

***1. Finds and determines as follows:***

***a) That the variance will not result in an undesirable change in the community, or a detriment to nearby properties, or have an adverse effect on the environmental conditions in the neighborhood;***

***b) That the relief requested cannot be obtained except by way of an area variance;***

***c) That the variance, to the extent hereinafter granted, is not excessive given the circumstances and the neighborhood; and***

***d) That the need for the variance was not self-created. The need came about as a result of the contractor's misdeeds.***

***2. Grants the variance as requested.***

Member Jabour seconded. The proposed Resolution was then put to a vote as follows:

<b><i>Member Serson</i></b>	<b><i>Aye</i></b>
<b><i>Member Schmidt</i></b>	<b><i>Aye</i></b>
<b><i>Member Jabour</i></b>	<b><i>Aye</i></b>
<b><i>Member Trzcinski</i></b>	<b><i>Aye</i></b>
<b><i>Chairman Hannan</i></b>	<b><i>Aye</i></b>

The foregoing Resolution was thereupon duly adopted. The Board noted that the Town should send a letter to the contractor advising that he violated the law by not obtaining a building

permit prior to commencing the work.

The next item of business was the appeal and petition of ROBERT J. MASON, owner-applicant, dated January 23, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a two car detached garage on a lot located at 32 Miller Avenue, in the Town of Brunswick, because the proposed construction violates the rear yard setback in an R-9 District, in that 20 feet is required but 10 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Robert Mason appeared. He stated he wants a two-car garage, 24 feet deep. His lot is not big enough considering the front and rear setbacks. His lot is only 100 feet deep. Member Schmidt said he has no problem with this. Member Jabour agreed. Member Trzcinski asked why he could not attach it to the house. Mr. Mason said he would lose 15 feet of his driveway.

No one from the public wished to speak. Member Serson said that a ten foot variance is a bit excessive. She asked whether he could turn the garage some to make it less. Mr. Mason said there is no place to turn it. Member Schmidt agreed.

Member Jabour made a motion to classify the matter a Type II action under SEQRA. Member Serson seconded. The motion carried 5 - 0. Member Schmidt thereupon offered the following Resolution:

***BE IT RESOLVED, that with regard to the appeal and petition of ROBERT J. MASON, owner-applicant, dated January 23, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a two car detached garage on a lot located at 32 Miller Avenue, in the Town of Brunswick, because the proposed construction violates the rear yard setback in an R-9 District, in that 20 feet is required but 10 feet is proposed, the Zoning Board of Appeals:***

- 1. Finds and determines as follows:***
  - a) That the variance will not result in an undesirable change in the community, or a detriment to nearby properties, or have an adverse effect on the environmental conditions in the neighborhood;***
  - b) That the relief requested cannot be obtained except by way of an area variance;***
  - c) That the variance, to the extent hereinafter granted, is not excessive given the circumstances and the neighborhood; and***
  - d) That the need for the variance was not self-created.***
- 2. Grants the variance as requested.***



Member Jabour seconded. The proposed Resolution was then put to a vote as follows:

<i>Member Serson</i>	<i>Aye</i>
<i>Member Schmidt</i>	<i>Aye</i>
<i>Member Jabour</i>	<i>Aye</i>
<i>Member Trzcinski</i>	<i>Aye</i>
<i>Chairman Hannan</i>	<i>Aye</i>

The foregoing Resolution was thereupon duly adopted.

The next item of business was the appeal and petition of EDWARD P. SUPRENANT and MARY E. SUPRENANT, owners-applicants, dated January 22, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a kitchen addition to a residence located at 17 Easy Street, in the Town of Brunswick, because the proposed construction violates the rear yard setback in an R-15 District, in that 35 feet is required but 31 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Edward Suprenant appeared. He stated that there is an existing deck where they want to build. Their builder told them about the setback problem. The deck was there when they bought the house in 1989.

No one spoke for or against the application. Member Serson made a motion to classify the matter a Type II action under SEQRA. Member Jabour seconded. The motion carries 5 - 0. Member Jabour thereupon offered the following Resolution:

***BE IT RESOLVED, that with regard to the appeal and petition of EDWARD P. SUPRENANT and MARY E. SUPRENANT, owners-applicants, dated January 22, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a kitchen addition to a residence located at 17 Easy Street, in the Town of Brunswick, because the proposed construction violates the rear yard setback in an R-15 District, in that 35 feet is required but 31 feet is proposed, the Zoning Board of Appeals:***

- 1. Finds and determines as follows:***
  - a) That the variance will not result in an undesirable change in the community, or a detriment to nearby properties, or have an adverse effect on the environmental conditions in the neighborhood;***
  - b) That the relief requested cannot be obtained except by way of an area variance;***
  - c) That the variance, to the extent hereinafter granted, is not excessive given the circumstances and the neighborhood; and***
  - d) That the need for the variance was not self-created.***

**2. Grants the variance as requested.**

Member Schmidt seconded. The proposed Resolution was then put to a vote as follows:

<i>Member Serson</i>	<i>Aye</i>
<i>Member Schmidt</i>	<i>Aye</i>
<i>Member Jabour</i>	<i>Aye</i>
<i>Member Trzcinski</i>	<i>Aye</i>
<i>Chairman Hannan</i>	<i>Aye</i>

The foregoing Resolution was thereupon duly adopted.

The next item of business was the appeal and petition of C.K. PROPERTIES, LLC., applicant, dated January 18, 2002, for a Variance under the Sign Law and Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a free-standing sign advertising an Agway business on a lot located at 1333 New York State Route 7, in the Town of Brunswick, because the proposed construction violates the Sign Law of the Town of Brunswick in that the maximum allowable area per side for a freestanding sign is 35 sq. ft./side but 45.33 sq. ft./ side is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Cindy Konieczny and Mark Cipperly appeared in support of the application. Ms. Konieczny stated that the sign was needed to advertise the business better. They are seeking to capture the Route 7 traffic. Also, the Agway logo on the sign is required by the Agway franchise agreement.

Carl O' Brien, 8 O'Brien Lane, stated that he was in favor of the variance. Mike Coffey, 1341 NY Route 7, was in favor of it as well. Howard Rist stated that he was not against the sign, but was concerned about the hours it will be illuminated. Ms. Konieczny stated that the business closes at 6:00 P.M. The sign does not have to be lit all night.

Chairman Hannan noted that the applicant had requested a sign variance before, which was denied. They are now seeking something smaller. He feels they need the advertising. Also, the Agway logo is required. Member Serson noted that the Kobota sign is no longer shown in the drawing. Ms. Konieczny stated they no longer have a Kobota franchise. Member Jabour stated that he understands that they need to advertise. What they are asking for is not outrageous. The sign should not be illuminated all night. Member Trzcinski said that she is usually not in favor of Sign Law variances, but she has no problem with this one. Member Serson asked whether the height of the sign could be reduced. Ms. Konieczny stated she had already reduced the height. Also, nothing will be put in the portion of the old sign that had the Kobota logo. Ms. Konieczny stated that Agway provided the sign to her free of charge. It is the smallest one they make.

Member Serson made a motion to classify the matter an unlisted action under SEQRA. Member Jabour seconded. The motion carried 5 - 0. The Board reviewed and considered the EAF submitted by the applicant. After review, and completion of Part 2, Member Jabour made a motion to issue a Negative Declaration under SEQRA. The motion carried 5 - 0. Member Serson thereupon

offered the following Resolution:

***BE IT RESOLVED, that with regard to the appeal and petition of C.K. PROPERTIES, LLC., applicant, dated January 18, 2002, for a Variance under the Sign Law and Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a free-standing sign advertising an Agway business on a lot located at 1333 New York State Route 7, in the Town of Brunswick, because the proposed construction violates the Sign Law of the Town of Brunswick in that the maximum allowable area per side for a freestanding sign is 35 sq. ft./side but 45.33 sq. ft./side is proposed, the Zoning Board of Appeals finds and determines as follows:***

- 1. That the action will not have significant negative effect on the environment;***
- 2. That the requested variance is necessary for the reasonable use of the land and buildings;***
- 3. That the variance requested is in harmony with the general purposes and intent of the Sign Law;***
- 4. That the variance requested will not be injurious to the neighborhood character or otherwise detrimental to the public welfare;***
- 5. That denial of the variance would result in practical difficulty or unnecessary hardship for the owner;***
- 6. That the variance be and hereby is granted upon the following conditions:***
  - a. That the sign may be illuminated only during the hours between 6:00 A.M. and 9:00 P.M.; and***
  - b. That no other message board or other advertising shall be included in the sign between the changeable letter portion and the Agway logo.***

Member Jabour seconded the Resolution. The Resolution was thereupon put to a roll call vote as follows:


<i>Member Serson</i>	<i>Aye</i>
<i>Member Schmidt</i>	<i>Aye</i>
<i>Member Jabour</i>	<i>Aye</i>
<i>Member Trzcinski</i>	<i>Aye</i>
<i>Chairman Hannan</i>	<i>Aye</i>

The foregoing Resolution was thereupon duly adopted.

There being no further business, Chairman Hannan moved to adjourn. Member Schmidt seconded. The motion to adjourn carried 5 - 0 and the meeting was thereupon adjourned.

Dated: Brunswick, N.Y.  
March 15, 2002

Respectfully submitted,

Handwritten signature of Thomas R. Cioffi in cursive script.

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THOMAS R. CIOFFI  
Town Attorney - Zoning Board Secretary

## NOTICE OF PUBLIC HEARING

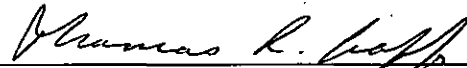
NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 22nd day of April, 2002, at 6:00 P.M., at the Town Office Building located at 308 Town Office Road in the Town of Brunswick, on the Request for Special Use Permit of HENRY REISER, owner-applicant, dated March 22, 2002, for a Special Use Permit, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a three-family dwelling on a lot located on NYS Route 2, in the Town of Brunswick, which lot is known as Lot No. 5, Eagle Crest subdivision, because the proposed construction of a multi-family dwelling is allowed in an R-15 District only by way of a special use permit issued by the Zoning Board of Appeals.

FURTHER NOTICE IS HEREBY GIVEN that said HENRY REISER, owner-applicant, has petitioned for said special use permit, and said application is now on file in the Office of the Superintendent of Utilities and Inspections, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
March 30, 2002

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK



---

THOMAS R. CIOFFI  
Town Attorney

NOTICE OF PUBLIC HEARING


NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 22nd day of April, 2002, at 6:00 P.M., at the Town Office Building located at 308 Town Office Road in the Town of Brunswick, on the Request for Special Use Permit of HENRY REISER, owner-applicant, dated March 22, 2002, for a Special Use Permit, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a three-family dwelling on a lot located on NYS Route 2, in the Town of Brunswick, which lot is known as Lot No. 4, Eagle Crest subdivision, because the proposed construction of a multi-family dwelling is allowed in an R-15 District only by way of a special use permit issued by the Zoning Board of Appeals.

FURTHER NOTICE IS HEREBY GIVEN that said HENRY REISER, owner-applicant, has petitioned for said special use permit, and said application is now on file in the Office of the Superintendent of Utilities and Inspections, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
March 30, 2002

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
THOMAS R. CIOFFI  
Town Attorney

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 22nd day of April, 2002, at 6:00 P.M., at the Town Office Building located at 308 Town Office Road in the Town of Brunswick, on the appeal and petition of ANNETTE CASE, owner-applicant, dated March 21, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a swimming pool on a lot located at 679 Hoosick Road, in the Town of Brunswick, because the proposed construction violates the front yard setback in an R-9 District, in that 60 feet is required but 39 feet is proposed.

FURTHER NOTICE IS HEREBY GIVEN that said ANNETTE CASEP, owner-applicant, has petitioned for said area variance, and said appeal and petition are now on file in the Office of the Superintendent of Utilities and Inspections, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
March 30, 2002

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK



THOMAS R. CIOFFI

Town Attorney

NOTICE OF PUBLIC HEARING


NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 22nd day of April, 2002, at 6:00 P.M., at the Town Office Building located at 308 Town Office Road in the Town of Brunswick, on the appeal and petition of PHILIP ARNOLD, applicant, dated March 7, 2002, for a permit, pursuant to the Zoning Ordinance of the Town of Brunswick, to make proposed alterations to an existing building containing a non-conforming use, consisting of an auto repair shop, on a lot owned by Everett Kneer, located at 1460 NY Route 7, in the Town of Brunswick, because a building permit to make alterations to a building containing a non-conforming use may only be issued by the Zoning Board of Appeals.

FURTHER NOTICE IS HEREBY GIVEN that said PHILIP ARNOLD, applicant, has petitioned for said permit, and said appeal and petition are now on file in the Office of the Superintendent of Utilities and Inspections, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
March 30, 2002

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
THOMAS R. CIOFFI  
Town Attorney



NOTICE OF PUBLIC HEARING


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FURTHER NOTICE IS HEREBY GIVEN that the said HANLEY SIGN CO. o/b/o Harry Feathers, applicant, has petitioned for said Variance, and said appeal and petition are now on file in the Office of the Superintendent of Buildings, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said appeal and petition will be heard at the above time and place.

Dated: Brunswick, New York  
March 30 , 2002

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
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THOMAS R. CIOFFI  
Town Attorney

NOTICE OF PUBLIC HEARING

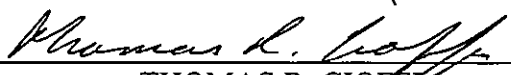
NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 22nd day of April, 2002, at 6:00 P.M., at the Town Office Building located at 308 Town Office Road in the Town of Brunswick, on the appeal and petition of LINDA and PHILIP KRAMARCHYK, owners-applicants, dated February 27, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a pole barn on a lot located at 711 Tamarac Road, in the Town of Brunswick, because the proposed construction violates the front yard setback in an A-40 District, in that 75 feet is required but 20 feet is proposed.

FURTHER NOTICE IS HEREBY GIVEN that said LINDA and PHILIP KRAMARCHYK, owners-applicants, have petitioned for said area variance, and said appeal and petition are now on file in the Office of the Superintendent of Utilities and Inspections, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
March 30, 2002

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
THOMAS R. CIOFFI  
Town Attorney

TOWN OF BRUNSWICK  
**ZONING BOARD OF APPEALS**

308 TOWN OFFICE ROAD, TROY, NEW YORK 12180  
PHONE: (518) 279-3461 -- FAX: (518) 279-4352

**DRAFT MINUTES**

A Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on April 22, 2002, at 6:00 P.M.

Present at the meeting were: James Hannan, Chairman  
Amy Serson, Member  
Joseph Jabour, Member  
E. John Schmidt, Member  
Caroline Trzcinski, Member

Also present were Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary, and William Austin, Superintendent of Utilities & Inspections.

There was a workshop meeting at 5:30 P.M. at which the Board Members informally discussed agenda items and reviewed the files. The Chairman called the regular meeting to order at approximately 6:00 P.M.

The first item of business was consideration of the Minutes of the February 25, 2002, meeting. Member Serson moved to approve the minutes as prepared. Member Jabour seconded. The motion carried 5 - 0.

The next item of business was the appeal and petition of ANNETTE CASE, owner-applicant, dated March 21, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a swimming pool on a lot located at 679 Hoosick Road, in the Town of Brunswick, because the proposed construction violates the front yard setback in an R-9 District, in that 60 feet is required but 39 feet is proposed.

Annette Case appeared. She stated that she has a back problem and needs a swimming pool for her therapy. She also stated that she has road frontage in both the front and back of her property. This is really the back of her house but it also fronts on a road. No one from the public wished to speak for or against the application. None of the members had any problem with the application.

Member Jabour made a motion to classify this matter a Type 2 action under SEQRA. Member Schmidt seconded. The motion carried 5 - 0. Member Jabour thereupon offered the following Resolution:

**BE IT RESOLVED, that with regard to the appeal and petition of ANNETTE CASE, owner-applicant, dated March 21, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a swimming pool on a lot located at 679 Hoosick Road, in the Town of Brunswick, because the proposed construction violates the front yard setback in an R-9 District, in that 60 feet is required but 39 feet is proposed the Zoning Board of Appeals:**

**1. Finds and determines as follows:**

**a) That the variance will not result in an undesirable change in the community, or a detriment to nearby properties, or have an adverse effect on the environmental conditions in the neighborhood;**

**b) That the relief requested cannot be obtained except by way of an area variance;**

**c) That the variance, to the extent hereinafter granted, is not excessive given the circumstances and the neighborhood; and**

**d) That the need for the variance was not self-created.**

**2. Grants the variance as requested.**

Member Schmidt seconded. The proposed Resolution was then put to a vote as follows:

<i>Member Serson</i>	<i>Aye</i>
<i>Member Schmidt</i>	<i>Aye</i>
<i>Member Jabour</i>	<i>Aye</i>
<i>Member Trzcinski</i>	<i>Aye</i>
<i>Chairman Hannan</i>	<i>Aye</i>

The foregoing Resolution was thereupon duly adopted.

The next item of business was the appeal and petition of LINDA and PHILIP KRAMARCHYK, owners-applicants, dated February 27, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a pole barn on a lot located at 711 Tamarac Road, in the Town of Brunswick, because the proposed construction violates the front yard setback in an A-40 District, in that 75 feet is required but 20 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Philip Kramarchyk appeared. He stated that the way the road in front of his house is laid out, the proposed barn would actually be 40 feet from the edge of the road. He stated that he could not put the barn in the back of his house because it would interfere with his septic tank and leech field. There are also ponds and wetlands in the back.

Philip Herrington, Tamarac Road, stated that he has no problem with the variance request. The applicants are good neighbors. Ken Herrington, 88 Herrington Lane, said that he had no problems with the application. The barn will fit right in. No one spoke against the application.

Member Trzcinski said she would like to see the barn built further back from the road than proposed. She sees no evidence of ponds or wetlands and feels he has room to put the barn further back on his property. Mr. Kramarchyk agreed that he had room, but he also wants to put a garage in the back to the east of the leech field. There was a discussion as to where the proposed garage would be put. Member Serson asked whether there is a site distance issue. Mr. Kramarchyk said absolutely not. The barn will be 40 feet from the actual edge of the road.

Member Hannan made a motion to classify the matter a Type 2 action under SEQRA. Member Jabour seconded. The motion carried 5 - 0. Member Jabour thereupon offered the following Resolution:

***BE IT RESOLVED, that with regard to the appeal and petition of LINDA and PHILIP KRAMARCHYK, owners-applicants, dated February 27, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a pole barn on a lot located at 711 Tamarac Road, in the Town of Brunswick, because the proposed construction violates the front yard setback in an A-40 District, in that 75 feet is required but 20 feet is proposed the Zoning Board of Appeals:***

***1. Finds and determines as follows:***

***a) That the variance will not result in an undesirable change in the community, or a detriment to nearby properties, or have an adverse effect on the environmental conditions in the neighborhood;***

***b) That the relief requested cannot be obtained except by way of an area variance;***

***c) That the variance, to the extent hereinafter granted, is not excessive given the circumstances and the neighborhood; and***

***d) That the need for the variance was not self-created.***

***2. Grants the variance to the extent that the front yard setback is reduced to 30 feet.***

Member Serson seconded. The proposed Resolution was then put to a vote as follows:

<i>Member Serson</i>	<i>Aye</i>
<i>Member Schmidt</i>	<i>Aye</i>
<i>Member Jabour</i>	<i>Aye</i>
<i>Member Trzcinski</i>	<i>No</i>
<i>Chairman Hannan</i>	<i>Aye</i>

The foregoing Resolution was thereupon duly adopted.

The next item of business was the appeal and petition of HANLEY SIGN CO. o/b/o Harry Feathers, applicant, dated March 21, 2002, for a Variance under the Sign Law and Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a free-standing sign advertising a furniture business on a lot located at 831 Hoosick Road, in the Town of Brunswick, because the proposed construction violates the Sign Law of the Town of Brunswick in that the maximum allowable area per side for a freestanding sign is 35 sq. ft./side but 80 sq. ft./ side is proposed, and further violates the minimum setback from the road required by the Sign Law in that 15 feet is required but 0 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Linda O'Connor from Hanley Sign Co. and Rob Feathers appeared. They explained that the State took 7 feet from their property to widen Route 7. They had no control over that and that is why they are requesting no setback. As to the size of the sign, they indicated that the total square footage requested is less than the total they have now on the premises. Also, the sign characters have to be large to get the attention of people driving on Route 7 in such a way as they will have time to safely make a turn into the business parking lot.

Philip Herrington, Tamarac Road, said that Feathers is a long established business in Town. As Supervisor, he is trying to encourage business on Route 7 as opposed to elsewhere in the Town. He also noted that the State took the old sign and the road frontage. Also, the sign requested is smaller than the total signage which will be taken down.

Member Serson asked what signage is approved now. Mr. Austin stated that Feathers obtained a variance years ago and everything currently on the premises is approved. Member Trzcinski asked if the new sign will be lighted. Ms. O'Connor said it would be internally illuminated. Chairman Hannan said he had no problem with this at all. Member Trzcinski said the sign is too big. Member Jabour said the new sign is more attractive than the old one. He feels that the sign should not be lit all night.

Chairman Hannan made a motion to classify this matter an unlisted action under SEQRA. Member Schmidt seconded. The motion carried 5 - 0. The Board then reviewed the Part I of the EAF and completed Part II. Member Schmidt made a motion to issue a negative declaration under SEQRA. Chairman Hannan seconded. The motion carried 5 - 0.

Member Trzcinski said the sign should be reduced in size. It does look nicer than the old signs but it is too big. Rob Feathers said he prefer not to make the sign smaller. The Chairman said the proposed new sign looks better. They could just keep all the old signs. There was then a discussion of much land the State took. The Board reviewed the maps prepared by State DOT.

Member Serson began a review of the criteria for Sign Law variances. She said variances

are necessary for the reasonable use of the land and buildings. She has a problem with the sign being 8' x 10'. She feels that is a large deviation from the 35 sq. ft. allowed, and is not in harmony with the general purposes of the Town Law. She does feel that the variance would not effect the character of the neighborhood. But she does not feel that refusing to let them have an 8' x 10' sign will result in a practical difficulty for Feathers. Member Jabour and the Chairman countered that the new sign looks much nicer. Member Serson said this is an 8' x 10' sign on an 8' pole. This can be reduced in size from what is requested.

The Chairman asked the applicants whether there were any options. Ms. O'Connor said they could do a 6' x 8' sign on the same pole. Member Serson said that would be acceptable to her. The Chairman said he thinks the letters will be too small on a size that size. Member Jabour agreed - the letters would be a blur to people driving by. Member Serson disagreed. It will be six feet from the edge of the road.

Chairman Hannan thereupon offered the following Resolution:

***BE IT RESOLVED, that with regard to the appeal and petition of HANLEY SIGN CO. o/b/o Harry Feathers, applicant, dated March 21, 2002, for a Variance under the Sign Law and Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a free-standing sign advertising a furniture business on a lot located at 831 Hoosick Road, in the Town of Brunswick, because the proposed construction violates the Sign Law of the Town of Brunswick in that the maximum allowable area per side for a freestanding sign is 35 sq. ft./side but 80 sq. ft./ side is proposed, and further violates the minimum setback from the road required by the Sign Law in that 15 feet is required but 0 feet is proposed, the Zoning Board of Appeals finds and determines as follows:***

- 1. That the action will not have significant negative effect on the environment;***
- 2. That the requested variance is necessary for the reasonable use of the land and buildings;***
- 3. That the variance requested is in harmony with the general purposes and intent of the Sign Law;***
- 4. That the variance requested will not be injurious to the neighborhood character or otherwise detrimental to the public welfare;***
- 5. That denial of the variance would result in practical difficulty or unnecessary hardship for the owner;***
- 6. That the variance be and hereby is granted upon the condition that the sign not be illuminated after 9:00 P.M.***

Member Jabour seconded the Resolution. The Resolution was thereupon put to a roll call vote as follows:

<i>Member Serson</i>	<i>No</i>
<i>Member Schmidt</i>	<i>Aye</i>
<i>Member Jabour</i>	<i>Aye</i>
<i>Member Trzcinski</i>	<i>No</i>
<i>Chairman Hannan</i>	<i>Aye</i>

The foregoing Resolution was thereupon duly adopted.

The next items of business were the following:

1. The Request for Special Use Permit of HENRY REISER, owner-applicant, dated March 22, 2002, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a three-family dwelling on a lot located on NYS Route 2, in the Town of Brunswick, which lot is known as Lot No. 4, Eagle Crest subdivision, because the proposed construction of a multi-family dwelling is allowed in an R-15 District only by way of a special use permit issued by the Zoning Board of Appeals.

2. The Request for Special Use Permit of HENRY REISER, owner-applicant, dated March 22, 2002, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a three-family dwelling on a lot located on NYS Route 2, in the Town of Brunswick, which lot is known as Lot No. 5, Eagle Crest subdivision, because the proposed construction of a multi-family dwelling is allowed in an R-15 District only by way of a special use permit issued by the Zoning Board of Appeals.

Attorney Cioffi read both Notices of Public Hearing aloud. Henry Reiser appeared. He stated that he has been a builder in Town for 15 years. He is a custom builder. He recently bought this development. He wants to build these three-family dwellings on the two lots in the development which front on Route 2. Those lots are not suitable for single family homes. He is proposing to build condos and rent them. They are really not apartments. These lots are perfect for this use. It will not affect the neighborhood. There is already a mix of businesses and apartments in the vicinity.

Libby Reiser, Town Office Road, Mr. Reiser's wife, said she was in favor of the application. Some people who want to live in Brunswick can't afford to buy a house. This will be an alternative to an apartment. Calvin Clickner, 11 Garfield Road, said he is against the application. The property is zoned for single family homes and this proposal shows a disregard for the neighbors. Jim Laviolette, 582 Brunswick Road, said he is against the application. Route 2 should stay as residential as possible, even though there are some apartments in the "village" of Eagle Mills. Tom Rooney, 585 Brunswick Road, said he is against it as well. The existing apartments in Eagle Mills pre-date zoning. He is also concerned about the impact of the apartments on his well and septic system and those of others in the vicinity. Bob Cipperly, 25 Moonlawn Road, said you have to



remember the history of that development. It was approved so as not to have traffic entering onto Route 2. If these buildings are approved, there will be traffic going directly onto Route 2. Bill Schnider, 542 Brunswick Road, said that he is concerned about the increase in traffic and also about how septic systems might be affected in view of the high water table in the area.

Mr. Reiser said these lots are large. Route 2 is a main flow road and the additional traffic will not be a problem. He intends to build nice buildings and keep them for himself. He has been building in that development. There is no problem with the water table. The buildings he is proposing are about as large as the single family homes he is building there now. Andy Johnson, 5 Moonlawn Road, noted that the entrance to that development was put on Moonlawn so that there would not be traffic exiting onto Route 2. This was because of site distance concerns. Mr. Reiser said we are not talking about that many more cars. Michelle Johnson, 5 Moonlawn Road, said that he did not anticipate the amount of traffic on Moonlawn Road when she located there. This will only make it worse. Mr. Reiser said he feels that the current amount of traffic on Moonlawn Road is temporary, due to traffic avoiding the Route 7 construction. John Tybush, 62 Tybush Lane, said Route 2 traffic is nothing compared to Route 7. Twelve or so more cars will not make a difference. Diane Schnider, 579 Brunswick Road, said that when Grafton State Park opens, the traffic on Route 2 gets very bad. Each additional family results in a lot of additional cars.

Attorney Cioffi read the specific criteria for special use permits for multi-family dwellings contained in the Zoning Ordinance, including the minimum lot size and the minimum side yard requirements. Mr. Reiser said he could meet those criteria. Attorney Cioffi stated that he also had to meet the general criteria for a special use permit contained in the Zoning Ordinance. Attorney Cioffi read those aloud as well. He reminded Mr. Reiser that it was up to him to submit proof to the Board that those criteria were met.

The Chairman suggested the matter be put over to the May 20, 2002, meeting to allow Mr. Reiser to bring in any additional proof on the specific and general special use permit criteria. Member Jabour noted that what is involved here are apartments, not condos, which are generally sold, not rented. Mr. Reiser said whatever you want to call them they will be expensive - - \$850 - \$900/month for a two-bedroom.

Member Serson made a motion to continue the public hearing to the May 20, 2002, meeting. Member Jabour seconded. The motion carried 5 - 0.

The last item of business was the appeal and petition of PHILIP ARNOLD, applicant, dated March 7, 2002, for a permit, pursuant to the Zoning Ordinance of the Town of Brunswick, to make proposed alterations to an existing building containing a non-conforming use, consisting of an auto repair shop, on a lot owned by Everett Kneer, located at 1460 NY Route 7, in the Town of Brunswick, because a building permit to make alterations to a building containing a non-conforming use may only be issued by the Zoning Board of Appeals. Attorney Cioffi read the Notice of Public hearing aloud. At the Chairman's request, Attorney Cioffi read to the Board the provisions in the Zoning Ordinance pertaining to extensions and alterations of buildings containing non-conforming

uses. Basically, the Ordinance provides that non-conforming uses cannot be extended, and building containing non-conforming uses cannot be altered except upon a permit issued by the ZBA, and the cost of the alterations can, in no event, exceed 25% of the assessed value of the structure

Philip Arnold appeared. He stated that he wants to change his building as shown on the plans to better meet the needs of his business. The addition will make the business easier and safer to get into and out of. It will also give him more room to store equipment indoors. John Tybush, 62 Tybush Lane, said he is in favor of the permit. He once had an accident in front of the business. It is hard to get in and out of. There have been 4 or 5 different people in running that garage. Phil Arnold keeps it clean. He is an asset to the community. The Town needs small garages like this one. He also noted that work has been done on the garage over the years. Ken Herrington, 88 Herrington Lane, said he is in favor as well. The way the garage is built now, you have to back out onto Route 7. That area has long been commercial. If you don't grow and improve a business it cannot succeed. That garage has been there forever. He doesn't know what to say about the 25% limitation. He is not sure everyone complies with that. His own business needs to have vehicles repaired and he would like to have it done locally. Jason Herrington, 94 Herrington Lane, said the proposed changes would be a big improvement. Bruce Arnold, 327 Bulson Road, said he is the applicant's father. There is a need in town for small, family-run businesses. The chain auto repair shops in town charge a lot more. Also, the current building is very old. Something built in the 1940's does not cut it today.

Jeff Baker, Esq., stated that he was retained by three adjoining property owners to oppose the application. He said that this matter should not be before the Board at all. Mr. Arnold is asking for an extension of the non-conforming use which is not allowed by the Zoning Ordinance. At best, this is an alteration of a building housing a non-conforming use and in such case, the cost of the alterations cannot, under the terms of the Zoning Ordinance, exceed 25% of the assessed value of the premises. The cost of what is proposed here is far more than that. The current assessed value is approximately \$8400.00 and the proposed cost of the alterations is \$40,000.00. That is 476 % of the assessed valuation. Mr. Baker submitted a letter to the Board detailing his position. Mr. Baker stressed that this is no reflection on Mr. Arnold or his business, or the need for garages in Brunswick. It is a simple matter of what is allowed by the Zoning Ordinance. Non-conforming uses are supposed to be phased out when the building housing them are no longer suitable. In order for Mr. Arnold to do what he wants to do, the owner of the property would have to obtain a use variance.

Attorney Cioffi said that he generally agreed with Mr. Baker. The only point upon which they might disagree is whether what Mr. Arnold is seeking is an extension of a non-conforming use, which is not allowed at all, or an alteration to a building containing a non-conforming use, which is subject to the 25% limitation. In no event can the Board allow alterations to the building the cost of which exceed 25% of the assessed value of the property. In this case the total cost of the alterations, even assuming the Board grants all the relief it can, cannot exceed about \$2,100.00. Mr. Arnold would not be limited to the 25% if he changed the building to a conforming use. Attorney Cioffi further stated that when this matter first came to his attention, he told Mr. Austin the only way Mr. Arnold could do what he wanted to do would be to obtain a use variance from this Board or

convince the Town Board to re-zone the site. That is not to say that he could or should get either of those things. Only that he could apply.

Phil Herrington, Tamarac Road, said that it sounds like Mr. Arnold filed an application for something he could not possibly receive under the law. He asked Mr. Austin if Mr. Arnold was advised of this. Mr. Austin said it was discussed. Mr. Arnold said he paid a \$300.00 application fee and now is being told the Board cannot grant the relief he is asking. Mr. Herrington said he felt bad about that. The possibility of refunding the application fee was discussed. Attorney Cioffi said the only entity which could possibly give a refund is the Town Board. And whether they give refund should depend on whether Mr. Arnold was somehow misled. He can only say that he made it clear from even before the application was filed that the relief could not be granted. The Board members felt that a refund was in order.

Member Trzcinski suggested that Mr. Arnold ask Mr. Kneer to approach the Town Board about getting the property re-zoned. There was then a further discussion among Attorney Cioffi and the Board about Mr. Arnold's various options. Attorney Cioffi made it clear that although Mr. Arnold could ask for a use variance or a re-zone, there were no guarantees and it is likely that the people who opposed this application would oppose those as well. Use variances are very difficult to obtain. Submitting the necessary proof usually requires expert testimony which is very costly.

Ken Herrington said Mr. Arnold could ask Mr. Kneer to seek a use variance. That is what he should have been told in the first place. Attorney Cioffi said maybe he was given that option.

Paula Monahan, 1474 NY 7, said she lives directly behind the garage. She bought her last van from him. When this first came up, there had to be 30 or 40 cars there. They have since cleared it out and it looks very nice now. She is concerned that this place will turn into a junkyard. Also, now that the cars have been cleared out, there is a turn-around which takes care of the safety issue. The place was cleaned up when this application was filed.

Bruce Arnold requested a definition of the term selective enforcement. Attorney Cioffi said that would be where the town takes action against one person and does not take the same action against another person who is similarly situated. Mr. Arnold said he is referring to why permits were granted to Everett Kneer to expand his own garage. Attorney Cioffi said he had no information regarding Everett Kneer's garage. The Chairman suggested that that information could be obtained from the Town. Mr. Arnold said he has lived here for 40 years and is aware of four structures on Hoosick Street, commercial businesses, which have expanded by more than 25% of their assessed valuations. Attorney Baker said this is not a case of selective enforcement. Selective enforcement is when a prosecutor takes enforcement action against one person and not against others similarly situated, for a discriminatory reason. If other businesses have somehow been allowed to expand illegally, that does not mean the Town has to grant the permit to Mr. Arnold. Governments must apply the law, even if they have made mistakes in applying the law in the past, in similar situations. Government is not bound by its prior mistakes. Mr. Baker suggested that Mr. Arnold expand his business by locating in a proper district, where the use is allowed. He should withdraw this

application and ask for a refund. If he does not, the application should be denied.

Bruce Arnold asked whether any nonconforming business in the Town has ever been denied the right to expand. Attorney Cioffi said that he has been Town Attorney for 8 years and this is the first time he was asked about the issue. When he was advised that Phil Arnold approached Mr. Austin about this application, he immediately looked at the law and told Mr. Austin that the ZBA could not give Mr. Arnold what he wanted. Bruce Arnold said he simply wants to know how other businesses such as Kneer's, the barbershop and others managed to expand. Attorney Cioffi suggested he file FOIL requests. He does not know the answer to his questions. Bruce Arnold said he would obtain a lawyer to look into this.

Ann Campbell said she lives right next to Phil's garage. Phil is a good mechanic. He is also selling cars. She was the original owner of that property. There was a repair shop there which was "grandfathered in", but there was never a car sale business there. There have been 35 - 40 cars there. She has complained. Cars are brought in and taken out at all hours. The cars are the reason it is so hard to get in and out. What about the value of her property?

Coleen Marro, 1461 NY 7, said she lives across the street. She has nothing against Phil. She has her cars repaired there. She wants this area to stay country. She does not want businesses around.

Mr. Cioffi discussed the various options for Mr. Arnold. Phil Arnold said he would withdraw the application and take another route. The Chairman moved that Mr. Arnold be given a refund of the application fee he paid. Member Trzcinski seconded. The motion carried 5 - 0.

There being no further business, Member Jabour moved to adjourn. Member Serson seconded. The motion to adjourn carried 5 - 0 and the meeting was thereupon adjourned.

Dated: Brunswick, N.Y.  
May 4, 2002

Respectfully submitted,



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THOMAS R. CIOFFI

Town Attorney - Zoning Board Secretary

NOTICE OF PUBLIC HEARING

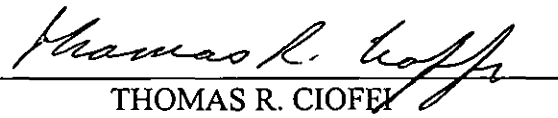
NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 20th day of May, 2002, at 6:00 P.M., at the Town Office Building located at 308 Town Office Road in the Town of Brunswick, on the appeal and petition of KEVIN and PAULA LaFERRIERE, owners-applicants, dated April 18, 2002, for area variances, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an above-ground swimming pool and deck on a lot located at 2006 Piney Point Road, in the Town of Brunswick, because the proposed construction violates the rear yard setback in an R-15 District, in that 20 feet is required but 2 feet is proposed, and violates the side yard setback in an R-15 District, in that 15 feet is required but 2 feet is proposed..

FURTHER NOTICE IS HEREBY GIVEN that said KEVIN and PAUL LeFERRIERE, owners-applicants, have petitioned for said area variances, and said appeal and petition are now on file in the Office of the Superintendent of Utilities and Inspections, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
April 30, 2002

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
THOMAS R. CIOFECI  
Town Attorney

NOTICE OF PUBLIC HEARING


NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 20th day of May, 2002, at 6:00 P.M., at the Town Office Building located at 308 Town Office Road in the Town of Brunswick, on the appeal and petition of THOMAS and ANDREA WOOD, owners-applicants, dated April 19, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an above-ground swimming pool on a lot located at 15 Cortland Street, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-9 District, in that 10 feet is required but 4 feet is proposed..

FURTHER NOTICE IS HEREBY GIVEN that said THOMAS and ANDREA WOOD, owners-applicants, have petitioned for said area variances, and said appeal and petition are now on file in the Office of the Superintendent of Utilities and Inspections, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
April 30, 2002

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
THOMAS R. CIOFFI  
Town Attorney

NOTICE OF PUBLIC HEARING

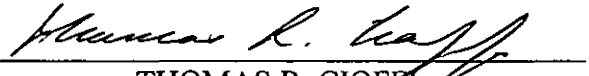
NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 20th day of May, 2002, at 6:00 P.M., at the Town Office Building located at 308 Town Office Road in the Town of Brunswick, on the appeal and petition of CHRISTOPHER J. HUFF, owner-applicant, dated March 12, 2002, for a use variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed use of the land and building located at 950 Hoosick Road, in the Town of Brunswick, for a medical facility providing orthotics and prosthetics, because the proposed use is not a permitted use in an R-15 Zone and may only be permitted by way of a use variance issued by the Zoning Board of Appeals.

FURTHER NOTICE IS HEREBY GIVEN that said CHRISTOPHER J. HUFF, owner-applicant, has petitioned for said use variance, and said appeal and petition are now on file in the Office of the Superintendent of Utilities and Inspections, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
April 30, 2002

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
THOMAS R. CIOFFI  
Town Attorney

NOTICE OF PUBLIC HEARING


NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 20th day of May, 2002, at 6:00 P.M., at the Town Office Building located at 308 Town Office Road in the Town of Brunswick, on the appeal and petition of MICHAEL and SHERRY BERGHELA, owners-applicants, dated April 10, 2002, for area variances, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a screened-in porch on a lot located at 268 Menemsha Lane, in the Town of Brunswick, because the proposed construction violates the front yard setback in an R-25 District, in that 40 feet is required but 29 feet is proposed.

FURTHER NOTICE IS HEREBY GIVEN that said MICHAEL and SHERRY BERGHELA, owners-applicants, have petitioned for said area variance, and said appeal and petition are now on file in the Office of the Superintendent of Utilities and Inspections, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
April 30, 2002

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
\_\_\_\_\_  
THOMAS R. CIOFFI  
Town Attorney



TOWN OF BRUNSWICK  
**ZONING BOARD OF APPEALS**

308 TOWN OFFICE ROAD, TROY, NEW YORK 12180  
PHONE: (518) 279-3461 -- FAX: (518) 279-4352

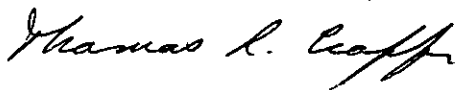
May 30, 2002

Hon. Paula Monahan, Town Clerk  
Town of Brunswick  
308 Town Office Road  
Troy, New York 12180

Dear Paula:

Enclosed for filing are the original Draft Minutes of the May 20, 2002, meeting of the Zoning Board of Appeals.

Very truly yours,



THOMAS R. CIOFFI  
Town Attorney

cc: Town Board Members  
ZBA Members  
William Austin  
Andrew Gilchrist  
Planning Board Members  
Applicants

TOWN OF BRUNSWICK  
ZONING BOARD OF APPEALS

308 TOWN OFFICE ROAD, TROY, NEW YORK 12180  
PHONE: (518) 279-3461 -- FAX: (518) 279-4352

DRAFT MINUTES

A Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on May 20, 2002, at 6:00 P.M.

Present at the meeting were: James Hannan, Chairman  
Amy Serson, Member  
Joseph Jabour, Member  
E. John Schmidt, Member  
Caroline Trzcinski, Member

Also present were Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary, and William Austin, Superintendent of Utilities & Inspections.

There was a workshop meeting at 5:30 P.M. at which the Board Members informally discussed agenda items and reviewed the files. The Chairman called the regular meeting to order at approximately 6:00 P.M.

The first item of business was consideration of the Minutes of the April 22, 2002, meeting. Member Serson noted the following corrections to the Draft Minutes:

- page 4, last line, last full paragraph -- insert "how" before "much"
- page 5, first full paragraph, third line -- the first word "size" should be "sign"
- page 7, first full paragraph, eighth line -- "he" should be "she"
- page 8, first line -- "building" should be "buildings"
- page 8, second full paragraph, sixth line -- insert "than" before "that"
- page 9, first full paragraph, sixth line -- replace period after "Board" with a comma, change "A" in "And" to lowercase
- page 9, fifth paragraph, second line -- "tales" should be "takes"
- page 10, third full paragraph, second line -- "wants" should be "want"

Member Jabour made a motion to approve the Minutes with those changes. Member Tzcinski seconded. The motion carried 5 - 0.

The Chairman then announced that Mr. Reiser, who has two applications pending before the Board for special use permits for three-family dwellings on Route 2 in the Eagle Crest subdivision,

would not be here tonight. He will be making changes in the proposed project. Generally speaking, he is now proposing duplexes instead of three-family dwellings. The Chairman stated that no action would be taken on those applications at this meeting.

The Chairman then announced that the use variance application filed by Chris Huff had been withdrawn.

The next item of business was the appeal and petition of MICHAEL and SHERRY BERGHELA, owners-applicants, dated April 10, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a screened-in porch on a lot located at 268 Menemsha Lane, in the Town of Brunswick, because the proposed construction violates the front yard setback in an R-25 District, in that 40 feet is required but 29 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Michael and Sherry Berghela appeared. They want to build a porch onto their home. Mr. Berghela said that there is an existing concrete slab in front of the house that they will build on. It has been there since 1995. No one from the public wished to speak for or against the application. Member Trzcinski asked about the roof. Mr. Berghela said that the roof will tie into the side of the house. The roof will be semi-flat, below the two windows.

Member Schmidt made a motion to classify this matter a Type 2 action under SEQRA. Member Jabour seconded. The motion carried 5 - 0. Member Trzcinski then offered the following Resolution:

***BE IT RESOLVED, that with regard to the appeal and petition of MICHAEL and SHERRY BERGHELA, owners-applicants, dated April 10, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a screened-in porch on a lot located at 268 Menemsha Lane, in the Town of Brunswick, because the proposed construction violates the front yard setback in an R-25 District, in that 40 feet is required but 29 feet is proposed, the Zoning Board of Appeals:***

***1. Finds and determines as follows:***

***a) That the variance will not result in an undesirable change in the community, or a detriment to nearby properties, or have an adverse effect on the environmental conditions in the neighborhood;***

***b) That the relief requested cannot be obtained except by way of an area variance;***

***c) That the variance is not excessive given the circumstances and the neighborhood; and***

***d) That the need for the variance was not self-created.***

***2. Grants the variance as requested.***

The Chairman seconded. The proposed Resolution was then put to a vote as follows:

<i>Member Serson</i>	<i>Aye</i>
<i>Member Schmidt</i>	<i>Aye</i>
<i>Member Jabour</i>	<i>Aye</i>
<i>Member Trzcinski</i>	<i>Aye</i>
<i>Chairman Hannan</i>	<i>Aye</i>

The foregoing Resolution was thereupon duly adopted.

The next item of business was the appeal and petition of THOMAS and ANDREA WOOD, owners-applicants, dated April 19, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an above-ground swimming pool on a lot located at 15 Cortland Street, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-9 District, in that 10 feet is required but 4 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Thomas and Andrea Wood appeared. Mrs. Wood stated that the whole yard is fenced in. Member Trzcinski asked whether they would have trouble getting the pool in. Mrs. Wood stated that the installer said they only need a six foot opening. There will be no deck on the pool. Only a ladder to get in. Mr. Till, 11 Cortland Street, stated that he was in favor of the application. No one spoke against it. Mr. Austin advised the Board that Mr. Pascucci, the neighbor on the other side, called to state that he had no problem with the application.

Member Serson made a motion to classify the matter a Type 2 action under SEQRA. Member Jabour seconded. The motion carried 5 - 0. Member Trzcinski then offered the following Resolution:

***BE IT RESOLVED, that with regard to the appeal and petition of THOMAS and ANDREA WOOD, owners-applicants, dated April 19, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an above-ground swimming pool on a lot located at 15 Cortland Street, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-9 District, in that 10 feet is required but 4 feet is proposed, the Zoning Board of Appeals:***

***1. Finds and determines as follows:***

- a) That the variance will not result in an undesirable change in the community, or a detriment to nearby properties, or have an adverse effect on the environmental conditions in the neighborhood;***
- b) That the relief requested cannot be obtained except by way of an area variance;***
- c) That the variance is not excessive given the circumstances and the neighborhood; and***

*d) That the need for the variance was not self-created.*

*2. Grants the variance as requested.*

Member Jabour seconded. The proposed Resolution was then put to a vote as follows:

<i>Member Serson</i>	<i>Aye</i>
<i>Member Schmidt</i>	<i>Aye</i>
<i>Member Jabour</i>	<i>Aye</i>
<i>Member Trzcinski</i>	<i>Aye</i>
<i>Chairman Hannan</i>	<i>Aye</i>

The foregoing Resolution was thereupon duly adopted.

The next item of business was the appeal and petition of KEVIN and PAULA LaFERRIERE, owners-applicants, dated April 18, 2002, for area variances, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an above-ground swimming pool and deck on a lot located at 2006 Piney Point Road, in the Town of Brunswick, because the proposed construction violates the rear yard setback in an R-15 District, in that 20 feet is required but 2 feet is proposed, and violates the side yard setback in an R-15 District, in that 15 feet is required but 2 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

No one from the public wished to speak for or against. Member Trzcinski noted that the proposed pool would be very close to the neighbor on the side. Mrs. LaFerriere stated that the tall trees would block the view. Member Schmidt asked whether the deck could be smaller. Mrs. LeFerriere said that maybe she would not even do the deck this year. She does want one. Even if it is smaller than requested.

Member Serson made motion to classify the matter a Type 2 action under SEQRA. Member Jabour seconded. The motion carried 5 - 0. Member Jabour then offered the following Resolution:

***BE IT RESOLVED, that with regard to the appeal and petition of KEVIN and PAULA LaFERRIERE, owners-applicants, dated April 18, 2002, for area variances, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an above-ground swimming pool and deck on a lot located at 2006 Piney Point Road, in the Town of Brunswick, because the proposed construction violates the rear yard setback in an R-15 District, in that 20 feet is required but 2 feet is proposed, and violates the side yard setback in an R-15 District, in that 15 feet is required but 2 feet is proposed, the Zoning Board of Appeals:***

*1. Finds and determines as follows:*

*a) That the variances will not result in an undesirable change in the community, or a detriment to nearby properties, or have an adverse effect on the environmental conditions in the*

*neighborhood;*

*b) That the relief requested cannot be obtained except by way of area variances;*

*c) That the variances are not excessive given the circumstances and the neighborhood;*  
*and*

*d) That the need for the variances was not self-created.*

*2. Grants the variances as requested.*

Member Schmidt seconded. The proposed Resolution was then put to a vote as follows:

<i>Member Serson</i>	<i>Aye</i>
<i>Member Schmidt</i>	<i>Aye</i>
<i>Member Jabour</i>	<i>Aye</i>
<i>Member Trzcinski</i>	<i>Aye</i>
<i>Chairman Hannan</i>	<i>Aye</i>

The foregoing Resolution was thereupon duly adopted.

The Board then set the next three meetings for June 17, July 15 and August 19.

There being no further business, Member Serson moved to adjourn. Member Jabour seconded. The motion to adjourn carried 5 - 0 and the meeting was thereupon adjourned.

Dated: Brunswick, N.Y.  
May 30, 2002

Respectfully submitted,

  
THOMAS R. CIOFFI

Town Attorney - Zoning Board Secretary

NOTICE OF PUBLIC HEARING

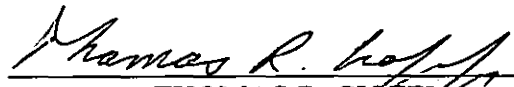
NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 17th day of June, 2002, at 6:00 P.M., at the Town Office Building located at 308 Town Office Road in the Town of Brunswick, on the appeal and petition of DONALD and BRENDA STREETER, owners-applicants, dated May 17, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an above-ground swimming pool on a lot located at 33 Greene Street, in the Town of Brunswick, because the proposed construction violates the rear yard setback in an R-9 District, in that 20 feet is required but 10 feet is proposed.

FURTHER NOTICE IS HEREBY GIVEN that said DONALD and BRENDA STREETER, owners-applicants, have petitioned for said area variance, and said appeal and petition are now on file in the Office of the Superintendent of Utilities and Inspections, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
May 30, 2002

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
THOMAS R. CIOFFI  
Town Attorney

NOTICE OF PUBLIC HEARING

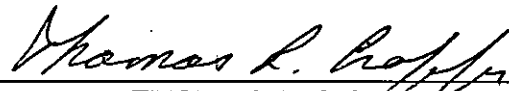
NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 17th day of June, 2002, at 6:00 P.M., at the Town Office Building located at 308 Town Office Road in the Town of Brunswick, on the appeal and petition of DANIEL and DEBORAH McCORMICK, owners-applicants, dated April 29, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an addition to an existing single-family home on a lot located at 25 Chester Court, in the Town of Brunswick, because the proposed construction violates the rear yard setback in an R-15 District, in that 35 feet is required but 15 feet is proposed.

FURTHER NOTICE IS HEREBY GIVEN that said DANIEL and DEBORAH McCORMICK, owners-applicants, have petitioned for said area variance, and said appeal and petition are now on file in the Office of the Superintendent of Utilities and Inspections, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
May 30, 2002

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
\_\_\_\_\_  
THOMAS R. CIOFFI  
Town Attorney



TOWN OF BRUNSWICK  
**ZONING BOARD OF APPEALS**

308 TOWN OFFICE ROAD, TROY, NEW YORK 12180  
PHONE: (518) 279-3461 -- FAX: (518) 279-4352

**DRAFT MINUTES**

A Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on June 17, 2002, at 6:00 P.M.

Present at the meeting were: James Hannan, Chairman  
Amy Serson, Member  
Joseph Jabour, Member  
E. John Schmidt, Member  
Caroline Trzcinski, Member

Also present was Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary. William Austin, Superintendent of Utilities & Inspections, was absent.

There was a workshop meeting at 5:30 P.M. at which the Board Members informally discussed agenda items and reviewed the files. The Chairman advised that the Reiser applications involving requests for special use permits for multi-family houses on Route 2 in the Eagle Crest subdivision would not be discussed at the meeting as Mr. Reiser would not be there. Mr. & Mrs. Andrew Johnston, 5 Moonlawn Road, approached and stated that they continued to have concerns even if the buildings were duplexes as opposed to three-family. They also asked to be notified of any further proceeding on the matters. Mr. & Mrs. Thomas Rooney, 585 Brunswick Road, also approached and stated they also continue to have concerns. The Chairman stated that he felt that the duplexes would probably be the best use of these lots. \$200,000.00+ houses would not sell on these lots because they are right on Route 2. He stated that the duplexes will add value to the lots. The Johnston's and the Rooney's said that they continue to be concerned that multi-family homes will go up all over town. Attorney Cioffi stated that the adjoining owners, including the Johnston's, will be advised when these matters are placed on a meeting agenda.

The Chairman called the regular meeting to order at approximately 6:00 P.M. The first item of business was consideration of the Minutes of the May, 2002, meeting. Member Serson made a motion to approve the Minutes with as prepared. Member Jabour seconded. The motion carried 5 - 0.

The next item of business was the appeal and petition of DANIEL and DEBORAH McCORMICK, owners-applicants, dated April 29, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an

addition to an existing single-family home on a lot located at 25 Chester Court, in the Town of Brunswick, because the proposed construction violates the rear yard setback in an R-15 District, in that 35 feet is required but 15 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud. Mr. & Mrs. McCormick appeared. They said they had nothing to add except that they changed the plans for the inside of the building. The footprint of the building remains the same. No one on the Board had any problem with the proposal. No one from the public spoke for or against.

Member Trzcinski made a motion to classify the matter a Type 2 action under SEQRA. Member Jabour seconded. The motion carried 5 - 0. Member Trzcinski thereupon offered the following Resolution:

***BE IT RESOLVED, that with regard to the appeal and petition of DANIEL and DEBORAH McCORMICK, owners-applicants, dated April 29, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an addition to an existing single-family home on a lot located at 25 Chester Court, in the Town of Brunswick, because the proposed construction violates the rear yard setback in an R-15 District, in that 35 feet is required but 15 feet is proposed, the Zoning Board of Appeals:***

***1. Finds and determines as follows:***

***a) That the variance will not result in an undesirable change in the community, or a detriment to nearby properties, or have an adverse effect on the environmental conditions in the neighborhood;***

***b) That the relief requested cannot be obtained except by way of an area variance;***

***c) That the variance is not excessive given the circumstances and the neighborhood; and***

***d) That the need for the variance was not self-created.***

***2. Grants the variance as requested.***

The Chairman seconded. The proposed Resolution was then put to a vote as follows:

<b><i>Member Serson</i></b>	<b><i>Aye</i></b>
<b><i>Member Schmidt</i></b>	<b><i>Aye</i></b>
<b><i>Member Jabour</i></b>	<b><i>Aye</i></b>
<b><i>Member Trzcinski</i></b>	<b><i>Aye</i></b>
<b><i>Chairman Hannan</i></b>	<b><i>Aye</i></b>

The foregoing Resolution was thereupon duly adopted.

The next item of business was the appeal and petition of DONALD and BRENDA STREETER, owners-applicants, dated May 17, 2002, for an area variance, pursuant to the Zoning

Ordinance of the Town of Brunswick, in connection with the proposed construction of an above-ground swimming pool on a lot located at 33 Greene Street, in the Town of Brunswick, because the proposed construction violates the rear yard setback in an R-9 District, in that 20 feet is required but 10 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud. Brenda Streeter was not present. After some discussion as to how to proceed, Member Trzcinski offered to call Ms. Streeter to see if she was coming. Member Trzcinski thereafter reported that Ms. Streeter was unaware that she had to be present, but that she would come as soon as possible.

Brenda Streeter subsequently arrived. She stated she had nothing to add. No one from the public spoke for or against. Member Trzcinski observed that the pool would be close to the Silvestro property in the rear. Ms. Streeter said she had spoken to the Silvestro's and they had no problem with the application.

The Chairman, made a motion to classify the matter a Type 2 action under SEQRA. Member Jabour seconded. The motion carried 5 - 0. Member Jabour thereupon offered the following Resolution:

***BE IT RESOLVED, that with regard to the appeal and petition of DONALD and BRENDA STREETER, owners-applicants, dated May 17, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an above-ground swimming pool on a lot located at 33 Greene Street, in the Town of Brunswick, because the proposed construction violates the rear yard setback in an R-9 District, in that 20 feet is required but 10 feet is proposed, the Zoning Board of Appeals:***

***1. Finds and determines as follows:***

- a) That the variance will not result in an undesirable change in the community, or a detriment to nearby properties, or have an adverse effect on the environmental conditions in the neighborhood;***
- b) That the relief requested cannot be obtained except by way of an area variance;***
- c) That the variance is not excessive given the circumstances and the neighborhood; and***
- d) That the need for the variance was not self-created.***

***2. Grants the variance as requested.***

Member Jabour seconded. The proposed Resolution was then put to a vote as follows:

<i>Member Serson</i>	<i>Aye</i>
<i>Member Schmidt</i>	<i>Aye</i>
<i>Member Jabour</i>	<i>Aye</i>
<i>Member Trzcinski</i>	<i>Aye</i>

*Chairman Hannan*

*Aye*

The foregoing Resolution was thereupon duly adopted.

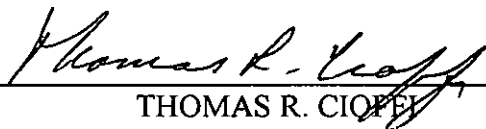
It was noted that no new applications had come in for the July meeting so, unless the Reiser matters are returned to the agenda, there would be no meeting on July 15, 2002.

There being no further business, Member Trzcinski moved to adjourn. Member Jabour seconded. The motion to adjourn carried 5 - 0 and the meeting was thereupon adjourned.

Dated: Brunswick, N.Y.

July 3, 2002

Respectfully submitted,



THOMAS R. CIOFFI

Town Attorney - Zoning Board Secretary

TOWN OF BRUNSWICK  
**ZONING BOARD OF APPEALS**

308 TOWN OFFICE ROAD, TROY, NEW YORK 12180  
PHONE: (518) 279-3461 - FAX: (518) 279-4352

DRAFT MINUTES

A Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on August 19, 2002, at 6:00 P.M.

Present at the meeting were: James Hannan, Chairman  
Amy Serson, Member  
Joseph Jabour, Member  
E. John Schmidt, Member  
Caroline Trzcinski, Member

Also present were Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary, and John Kreiger, Superintendent of Utilities & Inspections.

There was a workshop meeting at 5:30 P.M. at which the Board Members informally discussed agenda items and reviewed the files. The Chairman called the regular meeting to order at approximately 6:00 P.M. The first item of business was consideration of the Minutes of the June 17, 2002, meeting. Member Serson made a motion to approve the Minutes with as prepared. Member Jabour seconded. The motion carried 5 - 0.

The next item of business was the appeal and petition of LEE VARTIGIAN and JEANETTE VARTIGIAN, owners-applicants, dated June 17, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a poured patio on a residence located at 2019 Piney Point Road, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-15 District, in that 15 feet is required but 0.5 feet is proposed.

Jeanette Vartigian appeared. She stated that their contractor told them they did not need a permit. They only learned from Bill Austin on the very day that the concrete was being poured that there was a problem with the setback. Mr. Austin never told them not to pour the concrete, only that there was a problem. They had the concrete coming and people there ready to process it as it was poured.

Joan Vandervoort, 2021 Piney Point Road, stated that she lives next door. She went to the Town Office three times to ask whether the Vartigian's needed a variance for the patio. Mr. Austin didn't give her any information. She believes that if Mr. Austin had told the Vartigian's that they

needed a variance beforehand, they would have applied for it. She said she has no problem with the patio where it is. No one from the public spoke against the variance. Mrs. Vandervoort then stated that she was a little concerned about whether the poured concrete patio would cause any drainage problems on her property. The consensus of the Board was that Mr. Kreiger should visit the site to see if there are any problems with the drainage.

Member Serson moved to continue the public hearing to the September 16, 2002, meeting. Member Schmidt seconded. The motion carried 5 - 0.

The next item of business was further consideration of the applications by Henry Reiser for special use permits to construct multi-family dwellings on Lots 4 & 5 in the Eagle Crest Subdivision on Route 2, in the Town of Brunswick.

Henry Reiser said that originally he had proposed a triplex on each lot. After speaking to the neighbors and hearing their concerns he is now requesting duplexes. The septic systems for each duplex will be the same as for a single family, four bedroom home. The duplexes will be built to be consistent with the other homes in the subdivision. There is no interest in either of these lots for single family homes because they abut Route 2. These lots are vacant. Something should be built there. The only alternative to this is some commercial use.

Sean Nealon, 698 Brunswick Road, stated that he is stunned that anyone has a problem with this. The traffic on Route 2 is already bad. The few additional cars will have no effect. As long as the properties are kept up, he has no problem with it. Carl Clemente, 556 Brunswick Road, stated that there are already several rental properties around his house. If the proposed units are done correctly, they will add to the property. Eagle Mills is semi-commercial now. The units would be nice located near Christiansen's Garage. They certainly will cause no problem for the garage.

Jim Laviolette, Brunswick Road, stated that this is still a multi-unit building. The Town does no need another parking lot on Route 2. If this is approved, it will create a precedent for more multi-unit buildings in Brunswick.

Tom Rooney, 585 Brunswick Road, stated that the multi-unit buildings that already exist in Eagle Mills have been there for many years. He is against more of them. It creates a precedent. There is no need for it in Eagle Mills. Most people that he has talked with are against it.

Member Trzcinski noted that a duplex was previously approved on Carroll's Grove Road. That is already a precedent. Mr. Reiser stated that precedent was irrelevant. Each application is judged individually, on its own merits. Jim Laviolette asked whether the Comprehensive Plan stated that there should only be single family homes on Route 2.

Member Jabour said he does not like to see the vacant lots but was concerned about approving multi-unit dwellings. Member Schmidt said he is concerned about the additional traffic. Member Serson said that precedent is an issue here. Also, a traffic study was apparently done when

the subdivision was approved. That needs to be reviewed. Chairman Hannan said he is concerned that these lots are being used as dump sites and as places for kids to drive quads. He would like to review the Comprehensive Plan and the traffic studies done when the subdivision was approved.

Member Serson made a motion to continue the public hearing to the September 16, 2002, meeting. Member Jabour seconded. The motion carried 5 - 0.


Bernie Barber and Theresa Barber, Flower Road, stated that they wanted to address the Board on the Morris' log operation on Route 7, near Flower Road. This item was not on the agenda. They handed up pictures to the Board. They stated that there are chain saws and heavy equipment operating at all hours.

Attorney Cioffi explained that the Zoning Board of Appeals did not have any jurisdiction over the matter at this point. The Morris' have had a use variance for that property for several years. Although they applied for a more specific variance last year, none was granted by the Board. The Morris' have to live within the variance they now have. If they are not doing so, the Town can take enforcement actions. The Town Board has already directed that the situation be reviewed in that regard.

There being no further business, Member Jabour moved to adjourn. Member Serson seconded. The motion to adjourn carried 5 - 0 and the meeting was thereupon adjourned.

Dated: Brunswick, N.Y.  
September 6, 2002

Respectfully submitted,

  
\_\_\_\_\_  
THOMAS R. CIOFFI  
Town Attorney - Zoning Board Secretary

NOTICE OF PUBLIC HEARING


NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 16th day of September, 2002, at 6:00 P.M., at the Town Office Building located at 308 Town Office Road in the Town of Brunswick, on the appeal and petition of LINDA MOTZER, owner-applicant, dated August 13, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a two-car garage on a lot located on Otsego Avenue, in the Town of Brunswick, because the proposed construction violates the front yard setback in an R-9 District, in that 60 feet is required but 28 feet is proposed.

FURTHER NOTICE IS HEREBY GIVEN that said LINDA MOTZER, owner-applicant, has petitioned for said area variance, and said appeal and petition are now on file in the Office of the Superintendent of Utilities and Inspections, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
August 30, 2002

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
THOMAS R. CIOFFI  
Town Attorney



RECEIVED  
OCT 23 2002  
TOWN CLERK

TOWN OF BRUNSWICK  
**ZONING BOARD OF APPEALS**

308 TOWN OFFICE ROAD, TROY, NEW YORK 12180  
PHONE: (518) 279-3461 -- FAX: (518) 279-4352

DRAFT MINUTES

A Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on September 16, 2002, at 6:00 P.M.

Present at the meeting were: James Hannan, Chairman (arrived late)  
Amy Serson, Member  
Joseph Jabour, Member  
E. John Schmidt, Member  
Caroline Trzcinski, Member

Also present were Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary, and John Kreiger, Superintendent of Utilities & Inspections (arrived late).

There was a workshop meeting at 5:30 P.M. at which the Board Members informally discussed agenda items and reviewed the files. At approximately 6:00 P.M., with Chairman Hannan not yet present, Member Jabour made a motion to elect Member Trzcinski temporary Chairman. Member Schmidt seconded. The motion carried 4 - 0. The next item of business was consideration of the Minutes of the August, 2002, meeting. Member Serson made a motion to approve the Minutes with the following correction: on page 2, fourth paragraph, second line from the bottom, the word "no" should read "not". Member Jabour seconded. The motion carried 4 - 0.

The next item of business was the appeal and petition of LEE VARTIGIAN and JEANETTE VARTIGIAN, owners-applicants, dated June 17, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a poured patio on a residence located at 2019 Piney Point Road, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-15 District, in that 15 feet is required but 0.5 feet is proposed. The public hearing was continued to this meeting because the adjoining neighbor raised a concern about drainage and how it might affect her property. Mr. Kreiger was to have gone to the property to investigate. Unfortunately, Mr. Kreiger was not present to report his findings. Member Serson stated that she did not want to proceed without Mr. Kreiger's report, and made a motion to continue the matter to the October 21, 2002, meeting. Member Jabour seconded. The motion carried 4 - 0.

The next item of business was further consideration of the applications by Henry Reiser for special use permits to construct multi-family dwellings on Lots 4 & 5 in the Eagle Crest Subdivision on Route 2, in the Town of Brunswick. The applicant was not present. It was agreed that the matters would be called again later in the meeting.

The next item of business was the appeal and petition of LINDA MOTZER, owner-applicant, dated August 13, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a two-car garage on a lot located on Otsego Avenue, in the Town of Brunswick, because the proposed construction violates the front yard setback in an R-9 District, in that 60 feet is required but 28 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Linda Motzer appeared. She stated that they purchased this lot which abuts the lot their house is on. They want to build the garage on the additional lot. Attorney Cioffi explained that there was an additional problem beyond the variance requested. The Zoning Ordinance does not allow for a garage to be a principal structure on a lot in a residential district. They would need an additional variance for that. Attorney Cioffi noted that the Board has considered this issue on other occasions, with varying results.

The Chairman asked whether anyone from the public wished to speak. Janice Bulson, 132 Steve O'Dell Road, Cropseyville, said that she was here for her mother, Estelle Teal, 23 Otsego Avenue. Her mother is concerned that the proposed garage would be too close to the side of her house. Her husband, Milt Bulson, stated the same thing. Linda Motzer explained that the garage was not going to be next to Mrs. Teal's lot. Mr. & Mrs. Bulson said they had no problem with the application in that event. Member Serson said she had a concern about the site distance.

Chairman Hannan arrived during the discussion. There was discussion concerning whether to permit the garage to be the principal structure on the lot, and if so whether conditions should be attached. Member Jabour made a motion to classify this matter a Type 2 action under SEQRA. Member Schmidt seconded. The motion carried 5 - 0. Member Jabour thereupon offered the following Resolution:

***BE IT RESOLVED, that with regard to the appeal and petition of LINDA MOTZER, owner-applicant, dated August 13, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a two-car garage on a lot located on Otsego Avenue, in the Town of Brunswick, because the proposed construction violates the front yard setback in an R-9 District, in that 60 feet is required but 28 feet is proposed, the Zoning Board of Appeals:***

***1. Finds and determines as follows:***

- a) That the variance will not result in an undesirable change in the community, or a detriment to nearby properties, or have an adverse effect on the environmental conditions in the neighborhood;***
- b) That the relief requested cannot be obtained except by way of an area variance;***
- c) That the variance is not excessive given the circumstances and the neighborhood; and***

*d) That the need for the variance was not self-created.*

*2. Grants the variance as requested on the following conditions:*

- a. That the parcel upon which the garage will be built be merged by deed with the adjoining parcel on which the applicant's home is situated, such that the parcels may not thereafter be separately conveyed; and*
- b. That the location of the driveway used to access the garage from the road be approved by the Superintendent of Highways.*

The Chairman seconded. The proposed Resolution was then put to a vote as follows:

<i>Member Serson</i>	<i>Aye</i>
<i>Member Schmidt</i>	<i>Aye</i>
<i>Member Jabour</i>	<i>Aye</i>
<i>Member Trzcinski</i>	<i>Aye</i>
<i>Chairman Hannan</i>	<i>Aye</i>

The foregoing Resolution was thereupon duly adopted.

The Chairman then recalled the Reiser matters. The Chairman stated that Mr. Reiser called him that afternoon and stated that he could not be present this evening. The Board noted that there were several members of the public, who had previously indicated their opposition to the permits, present and ready to proceed. It was further noted that this is not the first meeting that Mr. Reiser had missed and that it was unfair to keep adjourning the matter and requiring the neighbors to keep coming. There was discussion of dismissing the applications without prejudice, meaning that Mr. Reiser could refile the applications at a later time if he so desired. After some further discussion, Member Schmidt made a motion to dismiss the applications without prejudice. Member Jabour seconded. The motion carried 5 - 0. Some of those present expressed concern that Mr. Reiser could refile these matters as soon as next month. The Board explained that this was the best it could do since the matters had not been concluded and the Board was not in a position to make a decision on the merits. It was noted that in order to refile, new applications and new application fees would be required.

The next item of business was the appeal and petition of RONALD FRETTO o/b/o Matthew Welch, applicant, dated July 24, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a family room addition on a lot located on 152 Brunswick Road, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-15 District, in that 15 feet is required but 12 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Ronald Fretto appeared. He is a builder. He stated that there is presently a porch on the rear of the house which is falling in. It was 11'6" off the property line. The Welch's want to construct

a family room addition where is porch is now. The addition will actually be 6" further away from the neighbor's property line than the porch is. The proposed addition will be 16' x 16'. No one from the public wished to speak.

Member Jabour made a motion to classify the matter a Type 2 action under SEQRA. Chairman Hannan seconded. The motion carried 5 - 0. Member Jabour then offered the following Resolution:

***BE IT RESOLVED, that with regard to the appeal and petition of RONALD FRETTO o/b/o Matthew Welch, applicant, dated July 24, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a family room addition on a lot located on 152 Brunswick Road, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-15 District, in that 15 feet is required but 12 feet is proposed, the Zoning Board of Appeals:***

***1. Finds and determines as follows:***

***a) That the variance will not result in an undesirable change in the community, or a detriment to nearby properties, or have an adverse effect on the environmental conditions in the neighborhood;***

***b) That the relief requested cannot be obtained except by way of an area variance;***

***c) That the variance is not excessive given the circumstances and the neighborhood; and***

***d) That the need for the variance was not self-created.***

***2. Grants the variance as requested.***

Member Trzcinski seconded. The proposed Resolution was then put to a vote as follows:

<i>Member Serson</i>	<i>Aye</i>
<i>Member Schmidt</i>	<i>Aye</i>
<i>Member Jabour</i>	<i>Aye</i>
<i>Member Trzcinski</i>	<i>Aye</i>
<i>Chairman Hannan</i>	<i>Aye</i>

The foregoing Resolution was thereupon duly adopted.

The next item of business was the appeal and petition of PAM GLEASON, owner-applicant, dated August 15, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an addition to an existing attached garage on a lot located at 39 Fane Court, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-15 District, in that 15 feet is required but 8' 6" is

proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Pam Gleason appeared. She said she just wanted to add space for an additional car in the garage. She said she would not need to increase the paved area in front of the garage. Member Trzcinski made a motion to classify the matter a Type 2 action under SEQRA. Member Jabour seconded. The motion carried 5 - 0. Member Trzcinski then offered the following Resolution:

***BE IT RESOLVED, that with regard to the appeal and petition of PAM GLEASON, owner-applicant, dated August 15, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an addition to an existing attached garage on a lot located at 39 Fane Court, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-15 District, in that 15 feet is required but 8' 6" is proposed, the Zoning Board of Appeals:***

***1. Finds and determines as follows:***

***a) That the variance will not result in an undesirable change in the community, or a detriment to nearby properties, or have an adverse effect on the environmental conditions in the neighborhood;***

***b) That the relief requested cannot be obtained except by way of an area variance;***

***c) That the variance is not excessive given the circumstances and the neighborhood; and***

***d) That the need for the variance was not self-created.***

***2. Grants the variance as requested.***

Member Jabour seconded. The proposed Resolution was then put to a vote as follows:

<b><i>Member Serson</i></b>	<b><i>Aye</i></b>
<b><i>Member Schmidt</i></b>	<b><i>Aye</i></b>
<b><i>Member Jabour</i></b>	<b><i>Aye</i></b>
<b><i>Member Trzcinski</i></b>	<b><i>Aye</i></b>
<b><i>Chairman Hannan</i></b>	<b><i>Aye</i></b>

The foregoing Resolution was thereupon duly adopted.

Mr. Kreiger arrived late. He was asked whether he had visited the Vartigian property to investigate the drainage issue. Mr. Kreiger stated that he had gone there last week, after a heavy rain, and saw no evidence of a drainage problem. The Board decided to act on the Vartigian application rather than wait until the October meeting. Member Schmidt made a motion to classify the matter a Type 2 action under SEQRA. Member Trzcinski seconded. The motion carried 5 - 0. Member Schmidt then offered the following Resolution:

**BE IT RESOLVED**, that with regard to the appeal and petition of LEE VARTIGIAN and JEANETTE VARTIGLAN, owners-applicants, dated June 17, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a poured patio on a residence located at 2019 Piney Point Road, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-15 District, in that 15 feet is required but 0.5 feet is proposed, the Zoning Board of Appeals:

**1. Finds and determines as follows:**

a) That the variance will not result in an undesirable change in the community, or a detriment to nearby properties, or have an adverse effect on the environmental conditions in the neighborhood;

b) That the relief requested cannot be obtained except by way of an area variance;

c) That the variance is not excessive given the circumstances and the neighborhood; and

d) That the need for the variance was not self-created.

**2. Grants the variance as requested.**

Member Jabour seconded. The proposed Resolution was then put to a vote as follows:

<i>Member Serson</i>	<i>Aye</i>
<i>Member Schmidt</i>	<i>Aye</i>
<i>Member Jabour</i>	<i>Aye</i>
<i>Member Trzcinski</i>	<i>Aye</i>
<i>Chairman Hannan</i>	<i>Aye</i>

The foregoing Resolution was thereupon duly adopted.

There being no further business, Member Trzcinski moved to adjourn. Chairman Hannan seconded. The motion to adjourn carried 5 - 0 and the meeting was thereupon adjourned.

Dated: Brunswick, N.Y.  
October 18, 2002

Respectfully submitted,

  
\_\_\_\_\_  
THOMAS R. CIOFFI

Town Attorney - Zoning Board Secretary

NOTICE OF PUBLIC HEARING

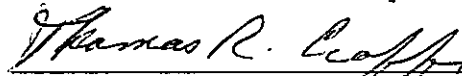
NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 18th day of November, 2002, at 6:00 P.M., at the Town Office Building located at 308 Town Office Road in the Town of Brunswick, on the appeal and petition of JOHN A. MAINELLO, III, owner-applicant, dated October 18, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a new single family residence on a lot located at 103 Essex Street, in the Town of Brunswick, because the proposed construction violates the front yard setback in an R-9 District, in that 30 feet is required but 15 feet is proposed.

FURTHER NOTICE IS HEREBY GIVEN that said JOHN A. MAINELLO, III, owner-applicant, has petitioned for said area variance, and said appeal and petition are now on file in the Office of the Superintendent of Utilities and Inspections, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
October 30, 2002

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK



---

THOMAS R. CIOFFI  
Town Attorney

TOWN OF BRUNSWICK  
ZONING BOARD OF APPEALS

308 TOWN OFFICE ROAD, TROY, NEW YORK 12180  
PHONE: (518) 279-3461 -- FAX: (518) 279-4352

DRAFT MINUTES

A Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on November 18, 2002, at 6:00 P.M.

Present at the meeting were: James Hannan, Chairman  
Amy Serson, Member  
Joseph Jabour, Member (arrived late)  
E. John Schmidt, Member  
Caroline Trzcinski, Member

Also present were Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary, and John Kreiger, Superintendent of Utilities & Inspections.

There was a workshop meeting at 5:30 P.M. at which the Board Members informally discussed agenda items and reviewed the files. At approximately 6:00 P.M., Chairman Hannan called the Regular Meeting to order. The first item of business was consideration of the Minutes of the September 16, 2002, meeting. Member Serson made a motion to approve the Minutes as submitted. The Chairman seconded. The motion carried 4 - 0.

The next item of business was the appeal and petition of JOHN A. MAINELLO, III, owner-applicant, dated October 18, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a new single family residence on a lot located at 103 Essex Street, in the Town of Brunswick, because the proposed construction violates the front yard setback in an R-9 District, in that 30 feet is required but 15 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

The applicant, John Mainello, appeared with his attorney, Mark Mainello. The applicant stated that he simply wants to situate the house the same distance from the roadway as the house next door owned by Mr. Baumgartner. That way the houses will be in line. Two bedrooms in the house will face to the rear. The master bedroom will face the front. It will essentially be set up the same way as Mr. Baumgartner's house. It will be consistent with other houses in the area. The lot is quite sloped. He is trying to situate it to avoid bringing in a lot of fill. The lot will remain sloped. There will be an exposed north side of the foundation with a walk-out basement, essentially the same as Baumgartner's.

The Chairman asked whether the construction might cause drainage problems to the neighbor behind the proposed house. The applicant said that his engineer said there would be no problem.



The lot on the other side of the proposed house is owned by his cousin. Most of the drainage will go that way. Member Jabour arrived at this point and joined the discussion.

Member Schmidt asked whether the applicant planned to bring in a lot of fill. The applicant said he was not. Most of the construction would be on the virgin soil. The deeper down the hill in back he goes, the more fill will be required. That is why he is asking to position it higher, closer to the road. Also, setting the house farther back will necessitate a deeper foundation, and possibly more drainage problems.

Attorney Cioffi mentioned that he had received a letter from the neighbor, Howard Baumgartner. Attorney Cioffi read it aloud. Essentially, Mr. Baumgartner states that he opposes the variance. He feels that the lot is too small to build on and that the new house will be too close to his. He asks that if the variance is granted, and the house is built, that the Board require a tall evergreen hedge between the houses.

The applicant said he was not opposed to putting in the hedge. But he expressed surprise at the letter. He stated that side of the house will not even be living space, so he and Mr. Baumgartner would not be "looking into each other's bedrooms". Attorney Mainello pointed out that Mr. Baumgartner's comments indicate that he does not want a house there at all. That is not the issue before the Board. The applicant has a right to build there. The only thing before the Board is the variance request, which Mr. Baumgartner did not really address. The applicant added that he was trying to line up his house with Mr. Baumgartner's, avoid having to bring in a lot of fill, and keep his back yard.

The Chairman again expressed concern regarding drainage. The applicant and Attorney Mainello said they both grew up there and there has never been a drainage problem with the houses on Seneca Street. The applicant also stated that he would put gutters on the house to catch the runoff from the roof and direct it into a dry well which he will install. There will not be a great deal of runoff from the roof.

The Chairman said he thought that the applicant's engineer should provide a letter stating that drainage would not be a problem. The applicant said it was actually an architect who said there would be no drainage problem, not an engineer. The applicant asked whether he could get the approval now and provide the letter later. Attorney Mainello asked the Board to specify what the letter should say. The issue is whether positioning the house closer to the road, as requested, will result in worse drainage issues than simply building the house on the lot in accordance with the normal setbacks. Attorney Cioffi agreed. The Board needs to be specific. Member Jabour suggested that the board require both the letter and the dry well as conditions of any approval. Member Trzcinski said she did not feel that the hedgerow suggested by Mr. Baumgartner would be necessary. The rest of the Board agreed. Member Serson said she had no problem with this application. It was discussed and decided that the applicant could obtain the drainage letter from either his architect or an engineer. The Board discussed the criteria for granting a use variance as they pertained to this application.

Member Serson made a motion to classify this matter a Type 2 action under SEQRA. Member Jabour seconded. The motion carried 5 - 0. Member Jabour thereupon offered the following Resolution:

***BE IT RESOLVED, that with regard to the appeal and petition of JOHN A. MAINELLO, III, owner-applicant, dated October 18, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a new single family residence on a lot located at 103 Essex Street, in the Town of Brunswick, because the proposed construction violates the front yard setback in an R-9 District, in that 30 feet is required but 15 feet is proposed, the Zoning Board of Appeals:***

***1. Finds and determines as follows:***

***a) That subject to obtaining verification from the applicant's architect or engineer as described in the conditions set forth below, the variance will not result in an undesirable change in the community, or a detriment to nearby properties, or have an adverse effect on the environmental conditions in the neighborhood. The house is proposed to be constructed in line with the adjacent house. The actual distance of the house from the traveled portion of the road if the variance is granted is consistent with that of other houses located in the area.***

***b) That the relief requested cannot be obtained except by way of an area variance;***

***c) That the variance is not excessive given the circumstances and the neighborhood; and***

***d) That the need for the variance was not self-created.***

***2. Grants the variance as requested on the following conditions:***

***a. That the applicant obtain and provide to the Superintendent of Utilities and Inspections, prior to the issuance of any building permit, a letter from a qualified architect or engineer stating that situating the house on the lot as requested in the application for a variance will not adversely affect or exacerbate the drainage patterns on the property which would have normally existed if the house had been situated on the lot as required by the usual setbacks;; and***

***b. That the applicant shall install a dry well to collect the runoff from the roof, such dry well to be installed prior to the issuance of any Certificate of Occupancy.***

Member Serson seconded. The proposed Resolution was then put to a vote as follows:

***Member Serson***

***Aye***

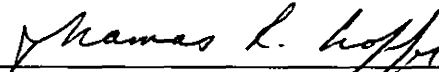
<i>Member Schmidt</i>	<i>Aye</i>
<i>Member Jabour</i>	<i>Aye</i>
<i>Member Trzcinski</i>	<i>Aye</i>
<i>Chairman Hannan</i>	<i>Aye</i>

The foregoing Resolution was thereupon duly adopted.

There being no further business, Member Trzcinski moved to adjourn. Chairman Hannan seconded. The motion to adjourn carried 5 - 0 and the meeting was thereupon adjourned.

Dated: Brunswick, N.Y.  
November 30, 2002

Respectfully submitted,



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THOMAS R. CIOFFI

Town Attorney - Zoning Board Secretary

NOTICE OF PUBLIC HEARING


NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 16th day of December, 2002, at 6:00 P.M., at the Town Office Building located at 308 Town Office Road in the Town of Brunswick, on the appeal and petition of JOSEPH CIOFFI, owner-applicant, dated November 4, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an above-ground swimming pool on a lot located at 16 Magill Avenue, in the Town of Brunswick, because the proposed construction violates the rear yard setback in an R-9 District, in that 20 feet is required but 12feet six inches is proposed.

FURTHER NOTICE IS HEREBY GIVEN that said JOSEPH CIOFFI, owner-applicant, has petitioned for said area variance, and said appeal and petition are now on file in the Office of the Superintendent of Utilities and Inspections, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
November 30, 2002

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
\_\_\_\_\_  
THOMAS R. CIOFFI  
Town Attorney

TOWN OF BRUNSWICK  
**ZONING BOARD OF APPEALS**

308 TOWN OFFICE ROAD, TROY, NEW YORK 12180  
PHONE: (518) 279-3461 -- FAX: (518) 279-4352

**DRAFT MINUTES**

A Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on December 16, 2002, at 6:00 P.M.

Present at the meeting were: James Hannan, Chairman  
Amy Serson, Member  
Joseph Jabour, Member  
E. John Schmidt, Member (arrived late)  
Caroline Trzcinski, Member

Also present were Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary, and John Kreiger, Superintendent of Utilities & Inspections.

There was a workshop meeting at 5:30 P.M. at which the Board Members informally discussed agenda items and reviewed the files. At approximately 5:45 P.M., Chairman Hannan suggested that the Board meet in a private session with its attorney to obtain legal advice regarding the Board's powers, duties and obligations with respect to the matter of the Forest Mayer operation on the Morris property, near the intersection of Route 7 and Flower Road. Member Trzcinski made a motion to go into private session. Member Jabour seconded. The motion carried 4 - 0. Attorney Cioffi briefed the members on the applicable law. In the course of the discussion, Member Schmidt arrived and took part. Member Serson made a motion to return to regular session. Member Trzcinski seconded. The motion carried 5 - 0.

Chairman Hannan noted that no decisions were made in private session. He thereupon called the Regular Meeting to order. The first item of business was consideration of the Minutes of the November 18, 2002, meeting. Member Schmidt made a motion to approve the Minutes as submitted. Member Schmidt seconded. The motion carried 5 - 0.

The next item of business was the appeal and petition of JOSEPH CIOFFI, owner-applicant, dated November 4, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an above-ground swimming pool on a lot located at 16 Magill Avenue, in the Town of Brunswick, because the proposed construction violates the rear yard setback in an R-9 District, in that 20 feet is required but 12 feet six inches is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Joseph Cioffi stated that the home behind him has a swimming pool. It is situated only two (2) feet from his property line. Two individuals, Joe O' Connor, 999 Spring Avenue, and Michael

Flick, 997 Spring Avenue, were present and were concerned that the pool was going in next to their houses. The applicant explained that he wants to put the pool in on his house lot, and these individuals live adjacent to his other lot, located across the street from his home, where his garage is located. Both individuals stated that, in that case, they had no objection. There were no questions from the Board.

Member Serson made a motion to classify the matter a Type 2 action under SEQRA. Member Jabour seconded. The motion carried 5 - 0. Member Jabour thereupon offered the following Resolution:

*BE IT RESOLVED, that with regard to the appeal and petition of JOSEPH CIOFFI, owner-applicant, dated November 4, 2002, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an above-ground swimming pool on a lot located at 16 Magill Avenue, in the Town of Brunswick, because the proposed construction violates the rear yard setback in an R-9 District, in that 20 feet is required but 12feet six inches is proposed, the Zoning Board of Appeals:*

*1. Finds and determines as follows:*

- a) That the variance will not result in an undesirable change in the community, or a detriment to nearby properties, or have an adverse effect on the environmental conditions in the neighborhood;*
- b) That the relief requested cannot be obtained except by way of an area variance;*
- c) That the variance is not excessive given the circumstances and the neighborhood; and*
- d) That the need for the variance was not self-created.*

Member Schmidt seconded. The proposed Resolution was then put to a vote as follows:

<i>Member Serson</i>	<i>Aye</i>
<i>Member Schmidt</i>	<i>Aye</i>
<i>Member Jabour</i>	<i>Aye</i>
<i>Member Trzcinski</i>	<i>Aye</i>
<i>Chairman Hannan</i>	<i>Aye</i>

The foregoing Resolution was thereupon duly adopted.

The only other item on the agenda was possible consideration of the Forest Mayer operation on the Morris property near the intersection of Route 7 and Flower Road. No one from the public was present. Attorney Cioffi explained that the matter is currently before the Planning Board for site plan review. According to the Minutes of the last Planning Board meeting, the Planning Board is considering referring the matter back to this Board for further consideration of whether the current


operation falls within the existing use variance pertaining to the property. No action would be taken at this time as the Planning Board has not yet acted. The Board decided to adjourn and then individually review the maps and other submissions currently before the Planning Board.

The Board set the next two meetings for January 27, 2002, and February 24, 2002.

There being no further business, Member Jabour moved to adjourn. Member Schmidt seconded. The motion to adjourn carried 5 - 0 and the meeting was thereupon adjourned.

Dated: Brunswick, N.Y.  
January 3, 2003

Respectfully submitted,

  
THOMAS R. CIOFFI  
Town Attorney - Zoning Board Secretary