

TOWN OF BRUNSWICK
ZONING BOARD OF APPEALS

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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 20, 2010, at 6:00 P.M.

Present at the meeting were: Martin Steinbach, Member
E. John Schmidt, Member
Mark Cipperly, Member
Caroline Trzcinski, Member
James Hannan, Chairman

Also present was Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary, and Code Enforcement Officer John Kreiger. At 5:30 P.M., a Workshop Meeting was held wherein the Board Members reviewed files and discussed pending matters informally.

The Chairman called the Regular Meeting to order at 6:00 P.M.

The first item of business was approval of the Minutes of the November 2010 meeting. No corrections were noted. Member Trzcinski made a motion to approve the November 2010 minutes as submitted. Member Steinbach seconded. The motion carried 5 - 0.

The next item of business was the appeal and petition of MICHAEL MADDEN, owner-applicant, dated September 23, 2010, for an area variance pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the construction of a storage shed on a lot located at 280 Plank Road, in the Town of Brunswick, because the proposed construction violates the front lot line setback for an accessory structure in an A-40 District in that 75 feet is required and 42 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Michael Madden appeared. He stated that due to the slope and grade of his property, the only place where the shed can be located is where he is proposing. He is also concerned about security because valuable things will be stored in the shed. The shed will be prefabricated and will sit on gravel or crushed stone. There will be no electricity service installed in the shed at least at this time.

None of the Board Members had any questions or concerns. No one from the public wished to speak. Member Schmidt made a motion to classify the matter a Type 2 action under SEQRA. Member Trzcinski seconded. The motion carried 5 - 0. Member Cipperly then offered a Resolution granting the variance as requested. Member Trzcinski seconded. The motion carried. 5 - 0.

The next item of business was the Request for a Special Use Permit of A & S DIESEL SERVICE, INC., owner-applicant, dated September 30, 2010, pursuant to the Zoning Ordinance of

the Town of Brunswick, in connection with the construction and operation of a filling station on property located at 850 Hoosick Road, in the Town of Brunswick, because a filling station is a special use in a B-15 District only allowed by way of a special use permit issued by the Zoning Board of Appeals. Attorney Cioffi read the Notice of Public Hearing aloud.

Member Schmidt recused himself from the matter and left the meeting room. Gary Joy, the owner of the A & S Diesel property appeared along with Craig Cullum, an employee of John Ray & Sons. They indicated that the proposal here is a joint venture between A & S Diesel and John Ray & Sons to sell diesel fuel only, supplied by John Ray & Sons, on the A & S Diesel property. No gasoline would be sold. There would only be one pump. Only one vehicle could be serviced at a time. The pump would be open 24 hrs. per day. There would be no attendant. The fuel would be obtained by way of a credit card. Everything would be above ground, including the tank. The operation could be expanded if the demand is there, There is no requirement or need for fire suppression as only diesel fuel is being dispensed. The pump would be located behind the building. It would not be visible from Route 7. There would be an illuminated sign on Route 7.

Mr. Kreiger advised that the County Planning Office had not responded to the referral. The matter was put over to the January 18, 2011, meeting, for further proceedings. Member Schmidt then returned to the meeting room.

With respect to the application by Henry Reiser for a special use permit for a filling station at the corner of Routes 2 and 278, Scott Reese appeared for Mr. Reiser. The Chairman advised that the matter was not on the agenda because of an escrow account issue with the Town. Mr. Reese was allowed to submit documents. No action was taken.

William Doyle, Esq., appeared regarding the Berkshire Properties Planned Development District. He stated that he had been before the Planning Board seeking an amended recommendation regarding the PDD due to changes made to the project. He asked to be on the January 18, 2011. meeting agenda to make a further presentation to this Board in that regard. The Chairman agreed.

There being no further business, Member Steinbach made a motion to adjourn. Member Trzcinski seconded. The motion carried 5 - 0.

Dated: Brunswick, N.Y.
January 13, 2011

Respectfully submitted,



THOMAS R. CIOFFI

Town Attorney - Zoning Board Secretary