

**TOWN OF BRUNSWICK**  
**ZONING BOARD OF APPEALS**

336 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 January 18, 2011, at 6:00 P.M.

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

Member Steinbach was absent. 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 Board put approval of the Minutes of the December 2010 meeting over to the next meeting.

The next item of business was further consideration of 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. 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. Attorney Cioffi stated that this application was not the typical application for a filling station that comes before the Board. First, he noted, the application involves only a single fuel pump and no pump islands. Second, the pump is not to be located adjacent to the road; rather it is to be located in the rear of the building. For those reasons, the application does not meet the strict requirements contained in the Zoning Ordinance for a filling station. After some discussion, the consensus of the Board was that the deviations from the strict technical requirements was not a problem in this case. There were no further questions from the Board and the applicant had nothing additional to present.

The Chairman made a motion to classify the matter an unlisted action under SEQRA. Member Trzcinski seconded. The motion carried 3 - 0. Attorney Cioffi briefly reviewed Part 1 of

the short form EAF with the Board. The Board then completed Part 2 of the EAF with the assistance of Attorney Cioffi. No significant environmental impacts were noted. Member Trzcinski made a motion to issue a Negative Declaration under SEQRA. Member Cipperly seconded. The motion carried 3 - 0.

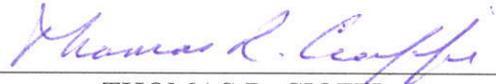
The Board then considered whether the application satisfies the criteria for a special use permit for a filling station as set forth in the Zoning Ordinance and in state law. The Board considered and discussed each of the statutory criteria and found that all had been satisfied. The Chairman then offered a Resolution approving and granting the special use permit as requested. Member Cipperly seconded. The Resolution carried 3 - 0. The Board advised the applicants that they would need to obtain an amendment to the current site plan.

Member Schmidt then returned to the meeting room. The Board determined that the next meeting would be held on February 28, 2011, due to the Association of Towns Annual Meeting.

There being no further business, Member Trzcinski made a motion to adjourn. Member Cipperly seconded. The motion carried 4 - 0.

Dated: Brunswick, N.Y.  
February 7, 2011

Respectfully submitted,

  
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THOMAS R. CIOFFI  
Town Attorney - Zoning Board Secretary