

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 February 28, 2011, at 6:00 P.M.

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

Also present were 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 December 2010 and January 2011 Minutes. Member Trzcinski made a motion to approve both sets of Minutes without changes. Member Steinbach seconded. The motion carried 5 - 0.

The next item of business was consideration of an updated referral recommendation to the Town Board on the Berkshire Properties LLC planned development district application regarding property located at Hoosick Road and Betts Road. Marcia Doyle, Esq., and Tracy Gaylord appeared for Berkshire Properties. They noted that since this matter was last before the Board, certain changes have been made. Three (3) additional residential building lots were added from newly acquired property. There are now ten (10) residential lots in total proposed. In addition, the access road into the project has been re-contoured due to the purchase of additional property. Other than that, the project is generally the same as it was when it was reviewed by this Board in September 2009.

Member Trzcinski asked where Cynthia Robinson, who is a vocal opponent of the project, resides. Her lot was pointed out by Ms. Gaylord. Ms. Gaylord stated that there had been discussions regarding Berkshire Properties purchasing Ms. Robinson's property, but they could not agree to a price. The additional property to be gained would not substantially enhance the project, other than providing some additional parking. The proposed houses in the project are still proposed to be served by individual wells and septic systems. They feel that bringing in water and sewer would be cost prohibitive. The Chairman also mentioned Ms. Robinson's concerns. Ms. Gaylord stated that Berkshire is in the process of addressing all of Ms. Robinson's comments and concerns, as part of the SEQRA process. For example, they are rearranging some of the parking spaces so the headlights of vehicles would not be pointing into her home. They are also considering berms and

plantings for screening purposes. Ms Gaylord noted that most of the commercial parts of the proposal are located on land which is currently zoned commercial, except for some of the parking spaces.

Ms. Gaylord also stated that the actual uses and tenants in the commercial buildings have not yet been finalized. They are looking for a chain restaurant for the smaller building. For the larger building, they are looking at a mix of office/professional and retail.

Chairman Hannan asked whether anyone from the public was present and wanted to comment. No one from the public was present.

Attorney Cioffi read the core of the recommendation regarding this project that the Board made on September 21, 2009. Specifically, at that time, the Board stated as follows:

“Based on the concept plan and general layout presented to this Board, as well as the other information provided to date, it is the sense of this Board that the general concept plan and layout of uses for the proposed PDD is favorable and an appropriate use of the property. The Board views the use of the Route 7 frontage for commercial applications and the rear of the site at the northern end of Betts Road for single family residential purposes to be good planning and in general harmony with the Comprehensive Plan. Additionally, the dedication of five (5) acres of land for open space and recreational uses can only be viewed as positive.”

Attorney Cioffi stated that the Board had to consider whether that generally positive recommendation needed to be changed or embellished. After some additional discussion, Member Trzcinski offered the following Resolution:

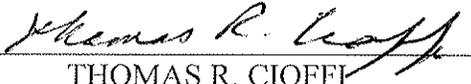
Be it Resolved, with respect to the application for a planned development district filed by Berkshire Properties LLC with respect to property located on Hoosick Road and Betts Road, based on the updated information provided, the Zoning Board of Appeals sees no reason to disturb the generally positive recommendation it made to the Town Board regarding this application on September 21, 2009.

The Chairman seconded. The Resolution carried 5 - 0.

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

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

Respectfully submitted,


THOMAS R. CIOFFI
Town Attorney - Zoning Board Secretary