

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 December 19, 2011, at 6:00 P.M.

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

As to the November, 2011 Minutes, Member Trzcinski noted that on page 1, it is stated that Member Steinbach was absent. In fact, he arrived late. Also, on page 2, 2nd full paragraph, 2nd line, the word "she" should read "he". She then made a motion to approve the Minutes as corrected. Member Steinbach seconded. The motion carried 5 - 0.

The next item of business was further consideration of the appeals filed by Oakwood Property Management LLC from Notices of Violation dated June 10, 2010, and June 21, 2011, issued by the Code Enforcement Officer in connection with its business activities at 215 Oakwood Avenue. Chairman Hannan and Member Steinbach left the meeting room, having previously recused themselves from the matter. Member Cipperly assumed the Chair. Member Cipperly stated that the matter was on the agenda this evening for the issuance of the Board's Decision on the appeals. He stated that the Board had before it a draft Decision and a draft Resolution adopting the Decision. Member Cipperly stated that he had received three drafts of the Decision, the last one on December 16, and that he had had the opportunity to fully review it. He asked whether the other Members present had received all of the drafts in advance of tonight's meeting and whether they had had an opportunity to review the same. Members Trzcinski and Schmidt acknowledged that they had. Member Cipperly asked whether any of the Members had any questions or wished to discuss the matter further. No one did. Member Cipperly then asked Attorney Cioffi to read the draft Decision aloud.

Attorney Cioffi read the draft Decision aloud. The draft Decision made various findings and

provided that both Notices of Violation were sustained and the appeals denied and dismissed. After the draft Decision was read, Member Steinbach asked whether there was any further discussion. There was none. Member Trzcinski then offered the Resolution Adopting Decision. Member Schmidt seconded the Resolution. The matter was put to a roll call vote with all Members present voting in the affirmative. The Resolution Adopting Decision was declared duly adopted. The Decision and the Resolution Adopting the Decision will be filed separately in the Office of the Town Clerk and are incorporated by reference into these Minutes.

Chairman Hannan and Member Steinbach returned to the meeting room.

The next item of business was issuance of the Board's Decision as regards the appeals and petitions under the Sign Law filed by the Wal-Mart Real Estate Business Trust dated April 11, 2011, and September 2, 2011, in connection with the signage for the Walmart Supercenter expansion at 620 Hoosick Road. Member Hannan stated that the Board had before it a draft Decision and a draft Resolution Adopting the Decision. The Chairman and the other Members acknowledged that they had all received the draft Decision well in advance of this meeting and had had an opportunity to fully review the same. Chairman asked Attorney Cioffi to read the draft Decision aloud.

Attorney Cioffi read the draft Decision aloud. The draft Decision made various findings and essentially provides that the variance to increase the total number of signs from 2 to 6 would be granted, that the variance to increase the total square footage of signage would be granted in part, and that the variance to increase the maximum letter height for the main "Walmart" sign on the building would be denied. After the draft Decision was read, Chairman Hannan asked whether there was any further discussion from Board Members. There was none. He then asked Mary Elizabeth Slevin, Esq., Wal-mart's attorney, whether she wished to say anything. She appealed to the Board to approve the variance regarding exceeding the maximum letter height for the "Walmart" sign on the building. She said that it was mainly a matter of aesthetics and the building would look better with the larger letters. She asked the Board to consider a smaller increase over the maximum letter size than had been proposed.

There was no further discussion from the Board. Member Trzcinski offered the Resolution Adopting Decision. Chairman Hannan seconded. The Resolution was put to a roll call vote and all Members voted in the affirmative. The Resolution was declared duly adopted. The Decision and the Resolution Adopting the Decision will be filed separately in the Office of the Town Clerk and are incorporated by reference into these Minutes.

Member Cipperly then asked to be excused and left the meeting.

The next item of business was the appeal and petition of ELEANOR MONTIEL-OCHOA, applicant, dated November 10, 2011, for area variances pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the construction of a storage barn on a lot located at 520 McChesney Avenue Ext., in the Town of Brunswick, because the proposed construction violates the front setback for an accessory structure in an A-40 District in that 75 feet is required and 20 feet is proposed and also violates the rear setback in that 25 feet is required and 13 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Eleanor Montiel-Ochoa appeared. She stated that they need space for storage and they can't build anywhere else on their property. Most of their land is not flat. The spot proposed is the only space which is large enough and reasonably flat. The proposed barn would be set back further from the road than their existing buildings. Jose Montiel-Ochoa added that they would have to bring in fill to level the area so they can build. They have a business which is run out of the home. Mr. Montiel-Ochoa is a service technician who fixes motors and he has a lot of tools and equipment. They keep them in the garage now, but that means they cannot park a car in there. Mr. Kreiger stated that in his opinion they meet the requirements under the Zoning Ordinance for a Home Occupation.

The Chairman asked whether they had considered renting commercial space. They stated that they had, but that they cannot afford it and have no other employees. Attorney Cioffi stated that they need to file an Environmental Assessment Form because the proposed building and use is not completely residential. This would likely not be a Type 2 action under SEQRA.

Mr. Kreiger added that the County had responded to the referral request under the General Municipal Law by stating that the soils in the area were unstable and recommended that an engineering report be obtained before proceeding. After a brief discussion, Member Schmidt made a motion to adjourn the public hearing to the January 16, 2002, meeting. The Chairman seconded. The motion carried 4 - 0. In the interim, the applicant is to file an EAF and obtain the engineering report recommended by the County.

The next item of business was further consideration of the appeal and petition of PAT PATTERSON - THE SIGN RESOURCE o/b/o TRACTOR SUPPLY CO., applicant, dated September 14, 2011, for a variance pursuant to the Sign Law of the Town of Brunswick, in connection with the construction and erection of signage for the Tractor Supply Co. store to be located at 864 Hoosick Road, in the Town of Brunswick, because a maximum of two (2) signs are permitted for the site and three (3) signs are proposed.

Fred Early, from Sign Works, 27 Carey Road, Queensberry, for The Sign Resource, appeared. He handed up two proposals for smaller signs as had been requested by the Board. One proposal was to make the sign 17' 3" x 5' 9". The other was to make the sign 15' x 5' 1". The original proposal was 20' x 6' 3". There was a discussion among the Board members as to whether the proposals just reduced the size of the overall white space of the sign but left the letters and logo the same size. It was ultimately determined that the letter and logo sizes were reduced somewhat in the smaller sign proposals. The consensus of the Board was that if an additional sign was to be allowed, it should be the 17' 3" x 5' 9" sign, which appears to have black letters 22 inches in height and a logo 48 inches in height.

The Chairman made a motion to classify the matter an unlisted action under SEQRA. Member Schmidt seconded. The motion carried 4 - 0. Attorney Cioffi then led the Board through the EAF filed by the applicant and the completion of Part 2. No adverse environmental impacts were noted. Member Schmidt made a motion to issue a Negative Declaration under SEQRA. The Chairman seconded. The motion carried 4 - 0.

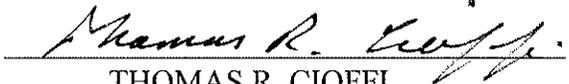
The Chairman then offered a Resolution approving the variance to permit a third sign for the

premises on the condition that the additional sign be no greater in total area than 99.19 sq. ft, specifically 17' 3" x 5' 9" overall sign size, with black lettering 22 inches in height and a logo height of 48 inches. Member Steinbach seconded. The Resolution was put to a roll call vote. Member Schmidt, Member Steinbach and Chairman Hannan voted in the affirmative. Member Trzcinski voted in the negative. The Resolution was declared duly adopted.

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

Dated: Brunswick, N.Y.
December 30, 2011

Respectfully submitted,


THOMAS R. CIOFFI
Town Attorney - Zoning Board Secretary