

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 June 18, 2012, at 6:00 P.M.

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

Also present were Andrew Gilchrist, Esq., Deputy Town Attorney sitting for ZBA attorney Ronald A. D'Alessandro, 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. In advance of the meeting, attorney Ronald D'Alessandro circulated a proposed agenda to the members via email. A copy of said agenda is attached hereto.

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

The next item of business was approval of the May 29, 2012, Minutes. Member Trzcinski made a motion to approve the Minutes. Member Schmidt seconded the motion. The motion carried 4 - 0.

The next order of business was the adoption and passage of a Resolution Accepting Positive Determination for PDD for proposed Paintball Establishment made by Mr. David Mulino. The Resolution was reviewed and adopted. A copy of said Resolution was forwarded to Tom Kenney.

The next order of business was the presentation of the Change of Use and Special Use Permit petition of George J. and Wendy H. Cardinal, in connection with the proposed conversion of a single family home into a two family home on a lot located at 629 Hoosick Street in the Town of Brunswick, because multiple dwellings are only allowed in the Town of Brunswick by way of a Special Use Permit issued by the Zoning Board of Appeals.

Mr. & Mrs. Cardinal appeared before the ZBA presenting the following reasons why the permit should be granted: 1) adequate size; 2) 2 car garage; 3) traffic is not an issue; 4) lot acreage is good; and 5) the number of buildings around subject property are also multiple family residences. After Cardinals' presentation the public had the following comments:

Pam Harrou, 14 Leonard Ave.

- Adjacent parcel abuts Leonard Ave. and is approximately 100' x 50'
- Keep adjacent parcel separate and does not want a merger to allow access to a multi-family residence from a single-family area.

Cardinal's Response

- Both parcels are on one deed; request is for a zoning split
- Commercial traffic is not off of Leonard; the only access is off Hoosick; no access off Leonard.

John Kreiger

- Tax map = one parcel

Melissa Burkhard, 9 Leonard Ave.

- (Q) Will there be access to the 2 family from Leonard?
(A) No, only from Hoosick Street.

Cardinal's Response

- 200/300 foot driveway does not make sense and will not put one in
- Leonard Ave. is not for commercial traffic, it is a dead end

Ernie Burkhard, 9 Leonard Ave.

- (Q) Future plans for lot?
(A) None at the moment. Request is for 2-family.

Chairman Hannan

- If approved, any change would require further application to the Town

No further Public Comment. After Public comments, the members of the ZBA had the following additional questions/comments:

Member Trzcinski

- 2 bedroom apartments
 - Not owner-occupied
- (Q) How many parking spaces?
(A) 2 car garage with 2 additional spaces = 4

Member Schmidt

- No problems except parking
- Only access is Rt. 7 for the apartment

Member Casey

- (Q) What is the requirement for parking for an apartment?
- (A) One per unit

Upon completion of the question and answers, a motion was made that the action be classified as SEQRA, Type 2. The motion carried 4-0. The motion was made by Member Schmidt and seconded by Chairman Hannan. Following, a motion was made to approve the requested variance. The motion was made by Member Schmidt. Member Casey seconded the motion. The motion carried 3-1 with the condition that access for apartments be made from Hoosick Road only.

The next order of business was the presentation for the application made by Mr. Kozinski, owner-applicant, for an area variance in conjunction with the proposed location of a shed. See application. Mr. Kozinski indicated a privacy fence would be installed on 4 (Kennedy) or installed on 5 (Mois). After Mr. Kozinski's presentation, the members of ZBA had the following questions/comments:

Member Trzcinski

- Water/septic on side
- Move shed to 5' off property line rather than 3'; very tight

Member Schmidt

- Same comments as Member Trzcinski

There were no public comments in favor or in opposition.

Kozinski

- Shed to be located 4' off property line

Member Schmidt

- Privacy fence 5/6 condition with shed at 4'

Kreiger

- Adjacent neighbors are in support

Upon completion of the questions and answers, a motion was made to classify the application as SEQRA, Type 2. The motion was made by Member Casey. Member Trzcinski seconded the motion. The motion carried 4-0. Following, a motion was made to approve the application with the shed 4' off property line and the condition that a privacy fence must be installed. The motion was made by Member Trzcinski. Chairman Hannan seconded the motion. The motion carried 4-0.

The next order of business was the petition of Paul Cacciotti, owner-applicant, for an Area Variance for a garage. See application. Mr. Cacciotti is requesting an area variance to allow the garage to be 23' from property line as opposed to 25' which would not require a variance. The other proposed dimensions of the garage are 70'/30' front and side and 19'18" in height. 12' is the current height max. After Mr. Cacciotti's presentation, the public had the following comments:

Scott Delsignore, 20 Moonlawn

- A garage 23' from the property line would place a large building on, which will have an effect on the resale value

The members of ZBA had the following questions/comments:

Member Trzcinski

- Move the location of the garage further away from the neighbor's line
- (Q) What is the reason for the increase in height?
(A) Trying to match roof pitch with house

Member Casey

- Delsignore 35' off Moonlawn
- Garage rear property line

Member Schmidt

- (Q) Cupola?
(A) Not have to do it

Kreiger

- Low-pitch roof is possible
- 15' regular side yard setback; 70' required because it's a corner lot

Chairman Hannan

- (Q) Lower the height?
(A) I'd rather have a shed or 1-car garage than change the height. Lowering the height would cause it to not fit in and hurt the home's value

Member Casey

- Move closer to the pool. It would meet rear yard, side variance and height variance
- Coordinate with the neighbor

Member Schmidt made a motion to table this order of business until the July 23, 2012, ZBA hearing. Member Casey seconded the motion. The motion carried 4-0.

The next order of business was the petition of Montiel-Ochoa, owner-applicant for a Special Use Permit for Subdivision and Barn usage. Montiel-Ochoa would like to convert the barn into a storage space. The members of ZBA had the following questions/comments:

Member Trzcinski

- Barn is in bad shape
- (R) Applicant will restore barn and make it suitable for storage
- (Q) Any bathroom or septic?
- (A) There is a separate septic for the barn (water & septic)

- The silo must come down; there is too much damage

Member Casey

- 1.5 off 70+/- acre parcel
- Separate well for barn
- Timeframe for repair to be immediately/prior to winter

Applicant Montiel-Ochoa

- Potential house in future on 1.5 acre lot but will not make the barn into a house
- No setback issue with subdivision

Chairman Hannan

- Just fixing up the barn which is an existing structure
- Storage inside
- Vehicles to be outside and parked in the rear

The public had the following comments:

Rick Roden

- Great people
- This will improve White Church Rd.
- The barn is such disrepair, anything would be an improvement

Upon completion of the questions and answers, a motion was made to classify the application as SEQRA, Type 2 under SQR. The motion was made by Member Casey. Member Trzcinski seconded the motion. The motion carried 3-0. Following, a motion was made to approve the requested action. The motion was made by Chairman Hannan. Member Trzcinski seconded the motion. The motion carried 3-0.

The next order of business was the petition for a Proposed PDD for Duncan Meadows. Presenting the petition was Mr. Andy Brick, Esq. Specifically, Mr. Brick is seeking the age restriction on apartments be removed. The members of ZBA had the following questions/comments:

Member Trzcinski

- Site plan at PB required

Member Schmidt

- (Q) Why is this being brought to ZBA 6 months after Planning Board?
(A) It was an oversight

Member Casey

- 50 apartment units, 1-2 bedroom units/not final determination
- 78 townhomes, 88 condos; no change
- Highland Creek & Duncan Meadows coordinating on water/sewer

There was no general opposition.

Upon completion of the questions and answers, Member Casey made a positive recommendation for review by the ZBA at the July 23, 2012 meeting. Member Trzcinski seconded that recommendation.

The next order of business was the petition for a Proposed PDD for Highland Creek. Presenting the petition was Mr. Andy Brick, Esq, Lee Rosen, and Bob Marini. The members of ZBA had the following questions/comments:

Member Trzcinski

- 2 bedroom/2bathroom units
- 4/2 on 2
- Garage-one car

Member Schmidt

- No questions

Member Casey

- None

Chairman Hannan

- Great concept
- No one should be opposed
- Increased green space
- Rent, then condo conversion
- 1200-1400 unit rental

Member Casey

- (Q) Roads?

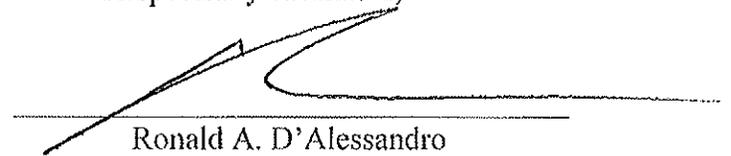
(A) Offer for dedication/Tom standards

A reminder was made that the July meeting has been moved to July 23, 2012.

There being no further business, a motion was made to adjourn the ZBA hearing. The motion carried 4-0.

Dated: Brunswick, N.Y.
July 19, 2012

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald A. D'Alessandro", written over a horizontal line. The signature is stylized with a long horizontal stroke extending to the right.

Ronald A. D'Alessandro
Deputy Town Attorney - Zoning Board Secretary