

Zoning Board of Appeals

TOWN OF BRUNSWICK

336 Town Office Road

Troy, New York 12180

MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD January 22, 2013

PRESENT were MARTIN STEINBACH, CHAIRMAN, TIMOTHY CASEY, E. JOHN SCHMIDT, JAMES HANNAN and CAROLINE TRZCINSKI.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer.

The Zoning Board members reviewed the draft minutes of the December 17, 2012 meeting. Upon motion of Member Trzcinski, seconded by Member Hannan, the draft minutes of the December 17, 2012 meeting were unanimously approved without amendment.

The first item of business on the agenda was the area variance application submitted by Mr. and Mrs. David Galluzzo for property located at 390 Brunswick Road. This application has been noticed for public hearing. The Notice of Public Hearing was read into the record, confirming that the notice had been published in the Troy Record, placed on the Town sign board, placed on the Town website, and mailed to all adjacent property owners. Chairman Steinbach requested the Applicant to present an overview of their application. David and Carrie Galluzzo were present, and explained that they were seeking to replace an existing attached garage on their home with an enlarged garage with living space above the new garage structure. Mrs. Galluzzo explained that the current garage is undersized and does not meet their needs in terms of storage, and that they were seeking to replace their existing garage with a larger garage structure in the same general location. However, the enlarged garage structure does not meet the 15' setback requirement to the side property line, and given the location of their home on the lot, the enlarged garage structure is proposed to be 8' at its closest point to the side lot line, with the

other end of the garage being 11' from the side lot line. Mrs. Galluzzo explained that they are trying to maintain a consistent appearance to the home, including maintaining as much of the exterior stone work as possible. Chairman Steinbach then opened the floor for the receipt of any public comment on this application. No members of the public offered any comment. Matt Rulison, of Otterbeck Builders, the contractors retained by the Galluzzos on the garage project was present, together with Brian Tollisen, the design engineer on the project. Mr. Rulison confirmed that he had staked out the area of the proposed new garage location for the Zoning Board members after the December 17 meeting. Mr. Rulison confirmed that the existing garage structure did not meet the needs of the Galluzzos, generally did not meet contemporary design standards in terms of garage space, and that the design for this project seeks to meet the needs of the Galluzzos for storage space while at the same time maintaining the façade of the home. Mr. Rulison stated that both he and Mr. Tollisen were available to answer any questions of the Zoning Board members. Member Trzcinski requested that the Galluzzos elaborate on their plans for the living area above the garage in the new garage structure. Carrie Galluzzo stated that they were seeking to have additional living space, and that the space would be used as a family room/media center. Member Trzcinski asked whether there would be any extra bathroom in the new space. Mrs. Galluzzo stated there would not be any new bathroom facility, but that it would be simply open space for a family room. Members Hannan and Schmidt had no additional questions. Member Casey confirmed a structural issue on the design plans with Mr. Tollisen. Member Casey also wanted to confirm that drainage had been addressed, and that the existing drainage patterns would not be altered by the garage extension. Mr. Rulison stated that the garage extension would not impact the existing drainage flow, that the general drainage flow is toward the front of the lot along Route 2, and that there is an existing drainage swale along the

side property line near the existing garage which will be maintained in order to direct stormwater toward the front of the lot toward the culvert along Route 2. Member Casey asked whether the adjacent property owner, Helen Schneider, had any objection to the project, even though she was not in attendance. Mrs. Galluzzo stated that she has spoken with Mrs. Schneider and her son concerning the project, and that there was no opposition to the project. Mrs. Galluzzo also stated that the Schneider house is located further to the rear of their lot, and that extending the garage structure would not make it closer to their home. Chairman Steinbach noted for the record that Mrs. Schneider had been sent a notice of the public hearing, and that no opposition from Mrs. Schneider had been received by the Zoning Board. Mr. Kreiger noted that this application has been sent to the Rensselaer County Department of Economic Development and Planning, and that the County Planning Department had responded that it had no opposition to this application, and that local consideration shall prevail. Hearing no further comment, Chairman Steinbach called for motion to close the public hearing on the Galluzzo area variance application. Member Hannan made a motion to close the public hearing, which motion was seconded by Member Casey. The motion was unanimously approved, and the public hearing on the Galluzzo area variance application was closed.

Thereupon, the Zoning Board commenced their deliberation on the application. Attorney Gilchrist noted that the area variance application for a single-family residence is a Type II action under SEQRA, and no determination of environmental significance is required. The Zoning Board members then addressed the area variance considerations. The Zoning Board members generally concurred that this variance will not result in an undesirable change in the character of the neighborhood, nor create a detriment to nearby properties. In particular, the garage extension would maintain the residential character of that area, and that the adjacent Schneider lot would

not be significantly impacted by the sideline setback variance, particularly since the Schneider home is situated deeper in the adjacent lot and not parallel to the Galluzzo home. The Zoning Board members also generally concurred that the Applicant cannot achieve the garage extension by some feasible alternate method. In this regard, the Zoning Board found that the information submitted by Mr. Rulison showed that due to structural constraints of the home, alternating the location of the garage structure was not structurally feasible, and that to maintain the structural integrity of the home and exterior façade, the proposed location of the garage extension was necessary. The Zoning Board members also generally concurred that the variance was not substantial, particularly since the adjacent residential lot had the home situated much further toward the rear of the lot and not parallel to the Galluzzo home location. The Zoning Board members also generally concurred that the variance will not have an adverse effect on the physical or environmental conditions in the neighborhood, noting that the existing drainage would be maintained and that the swale located between the Galluzzo and Schneider lots would be maintained. On the issue of whether the difficulty is self-created, the Zoning Board members noted that the current owner did not locate the existing house structure on the lot, and that given the structural issues associated with the house, the location and configuration of the garage options are limited, and determined that the difficulty is not created by the current owners. Following such deliberation, Chairman Steinbach requested a motion on the application. Member Trzcinski made a motion to approve the area variance on the Galluzzo application, which motion was seconded by Member Hannan. The motion was unanimously approved, and the area variance granted to Galluzzo.

Chairman Steinbach then entertained a brief discussion concerning the proposed revised application forms which had been distributed to the Zoning Board members at the December

meeting. The Zoning Board members generally concurred that the forms were an improvement, and should be utilized going forward. Member Trzcinski had two proposed changes or additions to the forms, which will be included by Mr. Kreiger.

Mr. Kreiger was not in receipt of any new applications, but the Zoning Board will maintain its February 25 meeting date to perform its initial review of any applications received by Mr. Kreiger prior to that meeting date. In the event Mr. Kreiger receives no applications prior to February 25, he will notify the members.

The index for the January 22, 2013 meeting is as follows:

1. Galluzzo – area variance – granted.

There are currently no agenda items for the February 25, 2013 meeting. The Zoning Board will convene meeting on February 25, 2013 in the event any applications are received by Mr. Kreiger prior to that date.