

Zoning Board of Appeals

TOWN OF BRUNSWICK

336 Town Office Road

Troy, New York 12180

MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD April 20, 2015

PRESENT MARTIN STEINBACH, CHAIRMAN, ANN CLEMENTE, WILLIAM SHOVER
and CAROLINE TRZCINSKI.

ABSENT WAS E. JOHN SCHMIDT.

ALSO PRESENT were DAN BRUNS and MONICA NANN-SMITH, Brunswick Building
Department.

Chairman Steinbach noted for the record that at the request of the applicant, the Kent area
variance application pertaining to property on Banker Avenue has been adjourned to the May
meeting.

The draft minutes of the March 16, 2015 meeting were reviewed. Upon motion of Member
Trzcinski, seconded by Member Shover, the draft minutes of the March 16, 2015 meeting were
unanimously approved without amendment.

There were no items of old business to discuss.

There were two items of new business to discuss.

The first item of new business addressed was an area variance application submitted by
Charles and Paula Van Meter for property located at 7 Settlers Lane. Paula Van Meter was present
for the application. Chairman Steinbach requested Ms. Van Meter to generally review the variance
application. Ms. Van Meter stated that she and her husband were proposing to install an above-
ground pool on their property located at 7 Settlers Lane, but the parcel has limitations on where
the pool can be located given the location of the septic tank and septic leach field. The property

owner is seeking to install a 21-foot wide above-ground swimming pool in a location that is 10.5 feet from the western side of the property, where the Town Code requires a 25-foot side yard setback. Ms. Van Meter explained that the placement of the pool is necessitated by the location of the septic tank and septic leach field. The Zoning Board members reviewed the application materials, which includes a sketch map of the residential lot depicting the house location, septic location, location of a 20-foot wide drainage easement and other drainage facilities, and the proposed pool location. Member Trczinski inquired whether Ms. Van Meter agrees to allow the Zoning Board members to access the property to get a better understanding of the layout of the lot. Ms. Van Meter stated that the Zoning Board members were welcome on the property. Member Shover had a question concerning the depiction of a french drain on the site sketch map, which was addressed by Ms. Van Meter. The Zoning Board members determined that the written application is complete, and set this matter down for public hearing to be held at its May 18, 2015 meeting commencing at 6 p.m.

The second item of new business discussed was a special use permit application for a filling station proposed for property located at 289-299 Oakwood Avenue, together with a possible need for area variance with respect to a building setback issue from the front property line. The applicant on this project is Matopato, LLC. Tom Murley, P.E. was present for the applicant. Mr. Murley generally reviewed the project proposal, which includes both the filling station/gas station with convenience store, a proposed car wash, together with a strip mall-type layout for retail and possible fast-food restaurant use. Mr. Murley explained that the project site encompasses 2.7 acres which is part of a larger 56 acre lot. Mr. Murley explained that the 2.7 acre area on the 56 acre lot has been tested for purposes of potential contaminants, as the overall 56 acre lot was formerly used as the Troy landfill and Troy incinerator. Mr. Murley states that the soil sampling performed on

the 2.7 acre area was reviewed by the New York State Department of Environmental Conservation, and accepted by NYSDEC and the 2.7 acre area has been de-listed by NYSDEC from the remaining property constituting a Class 3 inactive hazardous waste site on DEC's registry. Mr. Murley explained that public water and public sewer is proposed for the project, and that he will be coordinating that review with the City of Troy. Mr. Murley explained that the application seeks a special use permit in connection with the filling station/gas station, and also may require an area variance for building setback from the front property line, subject to further discussion with the Building Department. Mr. Murley also generally reviewed traffic conditions on Oakwood Avenue, concluding that the projected traffic from this proposal does not warrant the installation of an additional traffic signal or turn lane. Mr. Murley stated that there were two entrances proposed to this commercial use, and that each proposed entrance has adequate sight distances. Mr. Murley also generally reviewed a stormwater plan, noting that the final stormwater pollution prevention plan is still in process. Mr. Murley stated that in his application materials, he reviewed the special use permit criteria of the Brunswick Town Code and applied those criteria to his proposal. Member Trczinski had a question concerning the action by NYSDEC concerning this site. Mr. Murley generally discussed the de-listing process, indicating that he previously had CT Male perform soil testing in this location, that DEC reviewed that technical data and agreed to de-list this 2.7 acre area from the remaining Class 3 inactive hazardous waste site listing, and Mr. Murley also stated on the record that no landfilling or incineration historically occurred on the 2.7 acre project area. Member Trczinski also asked about surface and groundwater flow. Mr. Murley stated that part of this site drains in the direction of Farrell Road, and part of the site drains in the direction of the old Lansingburgh reservoir. Mr. Murley did confirm that public water was being proposed for this project. Member Shover asked about Mr. Murley acting as project engineer as well as being a

member of the applicant LLC. Mr. Murley confirmed that he was providing engineering services, but was also a member of Matopato, LLC, the project applicant. Member Shover asked whether the applicant would be subdividing the 2.7 acre parcel from the remainder of the 57 acre parcel. Mr. Murley stated that he was not looking to subdivide the smaller commercial area from the remaining 57 acre parcel. Member Shover then asked what would prohibit the applicant from building additional commercial areas to the rear of this 2.7 acre area once the current project was constructed. Mr. Murley stated that he had no plans for any further construction, particularly since it was only this 2.7 acre area that had been de-listed by DEC, and that he had not undertaken any additional soil testing on the remainder of the parcel. Also, Mr. Murley stated that the topography of the site drops off quite a bit from the 2.7 acre project area adjacent to Oakwood Avenue, which was not conducive to additional commercial development. Member Shover asked about the amount of water being used and discharged in connection with the car wash. Mr. Murley stated that the proposal was to use a water recycling system, with the final waste water being discharged to the City of Troy sewer system. Member Shover asked about any greases or oils from the proposed commercial operations. Mr. Murley confirmed that the project would include appropriate grease and oil separators. The Zoning Board members generally discussed the additional commercial uses further north on Oakwood Avenue. Mr. Murley stated that the other commercial uses were located on the western side of Oakwood Avenue, and the current project proposed is on the eastern side of Oakwood Avenue, which would be conducive to the northbound PM traffic on Oakwood Avenue. The Zoning Board members then generally reviewed the application materials, and deemed them complete. The Zoning Board members scheduled the public hearing for this application for its May 18, 2015 meeting to commence at 6:15 p.m. A public hearing will include public comments on the special permit application in connection with the filling station/gas station,

and also an area variance if deemed necessary upon further coordination between the applicant and the Brunswick Building Department on the front line setback requirements for this proposal.

The index for the April 20, 2015 meeting is as follows:

1. Kent – Area Variance – adjourned to May 18, 2015 (Public hearing to continue).
2. Van Meter – Area Variance – May 18, 2015 (Public hearing to commence at 6 p.m.).
3. Matopato, LLC – Special Use Permit/Area Variance – May 18, 2015 (Public hearing to commence at 6:15 p.m.).

The proposed Agenda for April 20, 2015 meeting currently is as follows:

1. Van Meter – Area Variance (Public Hearing to commence at 6 p.m.).
2. Matopato, LLC – Special Use Permit/Area Variance (Public hearing to commence at 6:15 p.m.).
3. Kent – Area Variance (Public hearing to continue).