

Zoning Board of Appeals

TOWN OF BRUNSWICK

336 Town Office Road

Troy, New York 12180

MINUTES OF THE BRUNSWICK ZONING BOARD OF APPEALS MEETING HELD OCTOBER 19, 2015

PRESENT were CHAIRMAN MARTIN STEINBACH, E. JOHN SCHMIDT, WILLIAM SHOVER and CAROLINE TRZCINSKI.

Absent was ANN CLEMENTE.

ALSO PRESENT was MICHAEL CZORNYJ, Brunswick Building Department.

The draft minutes of the September 21, 2015 meeting were reviewed. Upon motion of Member Trzcinski, seconded by Member Schmidt, the minutes of the September 21, 2015 meeting were unanimously approved without amendment.

The first item of business on the agenda was an area variance application submitted by Rick Relyea for property located at 229 Creek Road. The application seeks a height variance with respect to proposed construction of a two-story garage at this location. The Zoning Board opened the public hearing on the application. The Notice of Public Hearing was read into the record, with that Notice having been published in the Troy Record, placed on Town signboard, posted on the Town website, and mailed to owners of adjacent properties. Mr. Relyea was present on the application. Chairman Steinbach inquired whether there were any changes to the application, and requested Mr. Relyea to provide an overview of the proposed project. Mr. Relyea stated that there were no changes to the application. Mr. Relyea stated that he owns 38 acres at this location, of which 2 acres are open with his house and an existing three-car, one-story garage. The remainder of the parcel is primarily forested. Mr. Relyea states that he is proposing to replace his current

garage with a four-car, two-story garage. Mr. Relyea stated that his house is three stories, that the area of his house and garage are approximately 400-500 feet from the closest neighbor, and that the area between his house and garage and his neighbors is forested. Mr. Relyea stated that neither his house nor current garage are visible from the public roads or adjoining properties, and does not anticipate the two-story garage to be visible as well. Mr. Relyea stated that the height limit for structures at this location is 12 feet under the Town Code, and he is looking to have a structure that will measure 20 feet, 7 inches under the Town Code. Mr. Relyea did comment that his property is located next to the A-40 Zoning District, which allows for structures of 40 feet in height. Chairman Steinbach then asked whether any members of the public wished to provide any comment on the application. No members of the public wished to provide any comments. Chairman Steinbach then asked whether any of the Zoning Board Members had any questions or comments on the application. The Zoning Board members had no further questions or comments. Member Shover then made a motion to close the public hearing on the Relyea area variance application, which motion was seconded by Member Trzcinski. The motion was unanimously approved, and the public hearing closed. The Zoning Board members then determined to move forward with deliberations on the application. Attorney Gilchrist stated that the application seeks an area variance in connection with a residential use, and therefore constitutes a Type 2 action under SEQRA. The Zoning Board members then proceeded to deliberate on the elements for consideration on area variance applications. The Zoning Board members first determined that the height variance in this case would not present an undesirable change in the character of the neighborhood nor create a detriment to nearby properties, as the size of the lot and the fact that most of the lot is forested will conceal the garage from sight from adjoining properties, and the structure will be located approximately 400-500 feet off the public road. The Zoning Board

members did find that the garage could be reconfigured so that it met the height limitations, but also considered the fact that the building would be situated in the approximate same footprint, that it was located next to a three-story house, and that the Zoning Board members felt it was an improvement to the property to replace the existing garage. The Zoning Board members did feel that the variance was substantial, but again felt that this element was impacted by the size of the parcel, that the structure is approximately 400-500 feet from the public road, that the intervening land is predominantly forested, and the structure will be located next to an existing three-story house. The Zoning Board members found that the variance would not result in any adverse effect on the physical or environmental conditions in the neighborhood. As to whether the need for the variance was self-created, the Zoning Board members did determine that the variance requirement was self-created, but again felt that the facts of this particular case affected this element with particular regard to the size of the lot, the location of the structure from the public road and adjoining properties, and that the lot is predominately forested and will conceal the structure from public view. The Zoning Board did place emphasis on the particular facts of this case, and found that the size of the lot, the location of the existing structures on the lot, the predominant nature of the lot being forested, the existence of a three-story house on the lot, and the replacement of an existing garage structure in predominantly the same location were all significant and relevant facts. Based on these findings and determinations, the Zoning Board members concluded that the benefit in the granting the variance outweighed any detriment to the community upon the particular facts of this application. Based upon these findings and deliberations, Member Trzcinski made a motion to approve the area variance on the Relyea application, which motion was seconded by Member Shover. The motion was unanimously approved, and the area variance granted.

There were five new items of business discussed.

The first item of new business discussed was material submitted by Tom Healey for property located at 2 Carla Lane. The Zoning Board members determined that the application materials were not in proper form and were incomplete. This matter is placed on the November 16 agenda for further review of application materials.

The second item of new business discussed were application materials submitted by Michele Malatesta for property located at 810 Church Street. The Zoning Board members determined that the application materials were not in proper form and were incomplete. This matter is placed on the November 16 agenda for further review of application materials.

The third item of new business discussed with a sign variance application submitted by Signworks Sign Corp on behalf of Nigro Companies for replacement of signage at the Price Chopper located in the Brunswick Plaza at 716 Hoosick Road. Fred Early of Signworks Sign Corp was present for the applicant, together with Michael Copchik, Design Director for Price Chopper. Mr. Copchik presented an overview of the proposed sign replacements at the Price Chopper building. Mr. Copchik generally discussed renovations proposed for both the interior and exterior of the Price Chopper, and with respect to the exterior renovations, reviewed with the Zoning Board members the proposed new signs, including graphic panels. Mr. Copchik explained that the sign replacement was a significant part of the re-branding effort being undertaken by Price Chopper, and that Price Chopper is looking to have all of its stores to be consistent with its new re-branded image. Mr. Copchik stated that the replacement signs would slightly reduce the total amount of square footage for signs at this location. Mr. Copchik presented photographs of other Price Chopper stores which have had the exterior renovations being proposed for the Brunswick facility, including one located at exit 15 of the Northway in Wilton, and presented pictures both during the day and at night when the signs will be lighted. Mr. Early stated that the applicant was asking the

Zoning Board to not only look at the numbers associated with square footage and total number of signs, but requested that the entire proposal be considered together for both architectural and artistic content. Mr. Early stated that the setback of this Price Chopper store from the Hoosick Road corridor is significant, and the proposed size of the signs were justified by the depth of the setback, that there were other outbuildings located in front of the Price Chopper store, and the relative speed of vehicles traveling on Hoosick Road. Mr. Early stated that the re-branding of the Price Chopper does include the graphic panels as signs, and not just a stand-alone Market 32 sign. Mr. Early repeated that the whole sign package should be viewed as whole. Mr. Early stated that the total number of department signs will be reduced from present condition, and the only signs now being proposed are one for the pharmacy, a welcome sign, a Starbucks sign, and the Market 32 sign with the graphic panels. In Mr. Early's opinion, the total package of signs is not overwhelming, and there is concern on the part of Price Chopper that limiting the Market 32 sign to 36 inches in height will result in a sign not able to be seen from the Hoosick Road corridor by the traveling public. The Zoning Board members thanked the applicants for the presentation, did not have any further comments or questions at this time, but did determine the application materials to be complete for purposes of scheduling a public hearing on this application for the November 16 meeting. A public hearing will be held on this application at 6:00 p.m. on November 16, 2015.

The fourth item of new business discussed was a variance application package submitted by A.P.D. Engineering for a proposed Aldi grocery store and Taco Bell to be located at 616 Hoosick Road, directly east of the existing Planet Fitness facility. Christopher Kamar of A.P.D. Engineering was present for the applicant, together with Bruno Laurencio of Aldi, Inc. Mr. Kamar presented a concept plan to the Zoning Board members, showing a layout for an Aldi grocery store located to the rear of the parcel and a Taco Bell located toward the east side of the parcel, with

parking located toward the front. This site is generally located between the existing Planet Fitness facility and the Hoffman Carwash located further to the east. The applicant is preparing a site plan application for submittal to the Brunswick Planning Board for review and anticipates filing that site plan application prior to the end of October. Mr. Kamar explained that the owner was currently coordinating with NYSDOT regarding an entrance on Hoosick Road, including a potential traffic signal, as well as an internal interconnection between the Aldi/Taco Bell parking lot and the Planet Fitness parking lot. Mr. Kamar explained that the owner is seeking two variances, one with respect to total number of parking spaces and one with respect to signs. With regard to parking spaces, Mr. Kamar stated that with the proposed uses for the site, a total of 126 spaces are required under the Town Code, but that the owner is proposing a total of 106 parking spaces. Mr. Kamar stated that the site is capable of locating the additional 20 spaces, but that the facilities do not anticipate the need for the 20 additional spaces and the owner is looking to have that area remain as greenspace. With regard to the sign variances, Mr. Kamar stated that both the Aldi and the Taco Bell uses are looking for a variance on the total number of signs allowed. With regard to the Aldi building, Mr. Kamar stated that the Town Code allows two signs, whereas Aldi is requesting a total of four signs. With regard to the Taco Bell facility, the Town Code allows for a total of two signs, whereas three signs will be requested. Mr. Kamar generally reviewed schematics showing the proposed signage on the exterior of these two buildings. Mr. Kamar also stated that a pylon sign is being proposed, which may be in excess of the allowable square footage under the Town Code. The Zoning Board members discussed procedure. Attorney Gilchrist suggested to the Board that this matter does need to be coordinated with the Brunswick Planning Board, in that the request for variance on the total number of parking spaces does impact site plan review in terms of building layout and locations, parking areas, and also total parking spaces.

Attorney Gilchrist suggested that it is premature for the Zoning Board to consider a variance on total number of parking spaces prior to the Planning Board's review of the site plan, and recommended that, at a minimum, the Zoning Board refer the parking space variance application to the Planning Board for review and recommendation. Attorney Gilchrist also stated that the site plan review by the Planning Board should be coordinated with the Zoning Board with respect to the parking space variance request, noting that the Planning Board has routinely required a public hearing in connection with site plan applications on the Hoosick Street corridor, and that the Zoning Board must hold a mandatory public hearing on the parking space variance requirement, and that opportunities to coordinate this review between the Zoning Board and the Planning Board should be considered. In addition, Attorney Gilchrist will need to research the SEQRA treatment on this application in terms of coordination between involved agencies. The Zoning Board concurred that this parking space variance request should be referred to the Brunswick Planning Board for review and recommendation, and to stay consideration of the sign variance application until the Planning Board has had a chance to review the site plan and provide its recommendation to the Zoning Board on the parking space variance request. This matter is adjourned without date, noting that this matter may tentatively be considered at the December meeting after the Planning Board has had a chance to review the site plan and provide a recommendation on the parking space variance request.

The fifth item of new business discussed was an area variance application submitted by Raymond Bronk for property located at 147 Brunswick Road. Mr. Bronk was present. Mr. Bronk generally explained that he was looking to locate a shed on the east side of his property along an existing tree line, but that the shed will be within the mandatory 15 foot setback from the side yard line. The Zoning Board members discussed the application materials, and determined that while

additional forms should be completed by Mr. Bronk, the application materials were generally complete for purposes of scheduling a public hearing at the November 16 meeting. This matter is scheduled for a public hearing at 6:30 p.m. on November 16, 2015.

The index for the October 19, 2015 meeting is as follows:

1. Relyea – Area variance – granted
2. Healey – Incomplete application materials – 11/16/2015 (new business)
3. Malatesta – Incomplete application materials – 11/16/2015 (new business)
4. Signworks Sign Corp – Sign variance – 11/16/2015 (public hearing to commence at 6:00 p.m.)
5. A.P.D. Engineering – Area variance/sign variance – adjourned without date
6. Bronk – Area variance – 11/16/2015 (public hearing to commence at 6:00 p.m.)

The proposed agenda for the November 16, 2015 meeting currently is as follows:

1. Signworks Sign Corp – Sign variance (public hearing to commence at 6:00 p.m.)
2. Bronk – Area variance (public hearing to commence at 6:30 p.m.)