

**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 June 21, 2010, at 6:00 P.M.

Present at the meeting were: Mark Cipperly, Member  
Caroline Trzcinski, Member  
James Hannan, Chairman

Member Schmidt was absent. The Board noted that Member Shaughnessy had resigned. Also present was 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 Regular Meeting was called to order at 6:00 P.M.

The first item of business was approval of the minutes of the May, 2010, meeting. Member Trzcinski noted one correction. One page 2 of the Draft Minutes, third full paragraph, third line from the bottom, the word Afeel@ should read Afeet@. Member Trzcinski made a motion to accept the Minutes as amended. Member Cipperly seconded. The motion carried 3 - 0.

The Chairman noted that a written determination on the appeal and petition of WILLIAM J. DURIVAGE, dated January 7, 2010, for area variances pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with an existing swimming pool filter and an existing swimming pool shed at his home located at 103 Menemsha Lane, would be forthcoming at the next meeting.

The Chairman then asked Mr. Kreiger to report his findings regarding the prevalence of sheds in the Langmore Lane area. Mr. Kreiger stated that he went there today. He did not measure every shed, but he noted that at least 13 sheds appear to be too close to the property lines. According to town records, no zoning variances have been granted in that neighborhood for sheds.

The next item of business was the appeal and petition of CHARLES D. ALUND, JR., owner-applicant, dated April 13, 2010, for area variances pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the construction of a Storage/Garden Shed on a lot located at 63 N. Langmore Lane, in the Town of Brunswick, because the proposed construction violates the front yard setback in an A-40 District in that 75 feet is required and 42 feet is proposed, and also violates the rear yard setback in that 25 feet is required and 7 feet is proposed.

Charles D. Alund, Jr., appeared. He stated that the shed he wants to build is a necessity. He wants to work with the Board. If he can make an adjustment to his proposal that will resolve the matter, he will do so. Mr. Kreiger agreed with Mr. Alund that the proposed shed would be set back further from the Nelson property line than the existing shed is. Member Cipperly asked Mr. Alund

why he couldn't locate his new shed within the same plane as the shed on the Nelson property. Mr. Alund replied that the slope of the property is the problem. He would have to increase the slope some 2 2 feet, which would be very costly. Robert Mainello, 8 Woodcut Lane, said that he lives across the street. He has no problem with the shed or the variance. Maureen Gorman, 21 Langmore Lane, said that she has no objection to the shed because Mr. Alund will then be able to get all of his things off the lawn, which will improve the appearance of the neighborhood.

Robert Nelson, 7 Woodcut Lane, asked how many of the 13 sheds Mr. Kreiger found not in compliance were violations of front yard setbacks. He noted that the proposed shed would only be 25 feet from his house. His own shed is about 100 feet from Mr. Alund's house. Mr. Kreiger confirmed that there is a slope in Mr. Alund's back yard. It slopes toward Woodcut Lane. He can't say that the location proposed by Mr. Alund is the only place on his property that the shed can be located. It was noted that the back of Alund's existing shed and the front of the Nelson shed are about even with each other.

The Chairman stated that he wanted a more thorough evaluation from Mr. Kreiger regarding illegal sheds in the area and whether the shed can be located elsewhere on the Alund property.

The Board then turned to the appeal and petition of LAWRENCE MURRAY, owner-applicant, dated April 21, 2010, for area variances pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the construction of a 14' x 16' Dutch Style Barn on a lot located at 69 N. Langmore Lane, in the Town of Brunswick, because the proposed construction violates the side yard setback in an A-40 District in that 25 feet is required and 3 feet is proposed, and also violates the rear yard setback in that 25 feet is required and 5 feet is proposed.

Lawrence Murray appeared. He stated that he appreciates the board's dilemma with these sheds. Mr. Kreiger stated that Mr. Murray has a large swimming pool that takes up a lot of space in his yard. The existing shed is right on the property line. He wants to build a new shed in the back corner of the lot. The space is very limited.

Member Trzcinski made a motion to continue both matters to the next meeting. Member Cipperly seconded. The motion carried 3 - 0.

The next item of business was the appeal and petition of ERIC KELLY, owner-applicant, dated May 9, 2010, for an area variance pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the construction of an above ground swimming pool on a lot located at 1250 Spring Avenue, in the Town of Brunswick, because the proposed construction violates the rear yard setback in an R-25 District in that 25 feet is required and 15 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Eric Kelly appeared. Due to the size and shape of his lot, he states he has limited options for the placement of the pool. Also, part of his yard is taken up by his septic system. There is also a nice tree on his lot which takes up a lot of otherwise usable space. Member Trzcinski asked Mr. Kelly whether the pool was already up. Mr. Kelly said that the sides of the pool were up. He started construction this past weekend. He knew he needed a permit and did not have one. Mr. Kreiger said he was not aware that Mr. Kelly had started work on the pool. Member Trzcinski said it also appeared that a shed on the property was also in violation of the setbacks. The Chairman said that he

he was very concerned that Mr. Kelly had started building without a building permit or a variance from this Board. Mr. Kelly said that he bought the pool used and had some friends available this weekend to help him assemble it. He was concerned that the liner would be damaged if the pool were not assembled. The shed was there when he bought the house. Mr. Kelly said he was sorry he started work without permission. He said he did not understand the ramifications.

In the course of further discussions, Mr. Kelly admitted that the pool was actually fully assembled and ready for approval. The Chairman expressed extreme displeasure at this. Mr. Kelly said he was sorry. The Board advised Mr. Kreiger to consider enforcement action. The Board decided to continue the public hearing to consider whether the pool could be situated elsewhere on the property. Member Cipperly made a motion to continue the public hearing. Member Trzcinski seconded. The motion carried 3 - 0.

The next item of business was the appeal and petition of THOMAS DALEY, owner-applicant, dated April 27, 2010, for an area variance pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the construction of an open storage building on a lot located at 1356 NY 7, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-25 District in that 15 feet is required and 5 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Mark Collins, MAC Carpentry, appeared. He stated that he was representing Mr. Daley who could not be there that evening. He explained that Mr. Daley wants to be able to store firewood and a trailer in the building. He wants to build with a 5 foot setback instead of 15 as normally required. There is a significant downward slope to the property. There were discussions about the size of the building and whether it could be located elsewhere on the property. No one from the public spoke for or against the proposal. There were discussions as to whether to proceed in the absence of Mr. Daley. Also, nothing was heard from the adjoining owner who would be affected by this. After this discussion, Member Trzcinski made a motion to classify this matter a Type 2 action under SEQRA. Member Cipperly seconded. The motion carried 3 - 0. Member Trzcinski then offered a Resolution granting the variance as requested. Member Cipperly seconded. The matter was put to a roll call vote and all voted in the affirmative. The variance was granted.

There being no further business, Member Cipperly made a motion to adjourn. Member Trzcinski seconded. The motion carried 3 - 0.

Dated: Brunswick, N.Y.  
June 30, 2010

Respectfully submitted,

---

THOMAS R. CIOFFI  
Town Attorney - Zoning Board Secretary