

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 JUNE 18, 2018

PRESENT were MARTIN STEINBACH, CHAIRMAN, ANN CLEMENTE, E. JOHN SCHMIDT, and WILLIAM SHOVER.

ABSENT was CANDACE SCLAFANI.

ALSO PRESENT was KAREN GUASTELLA, Brunswick Building Department.

The Zoning Board members reviewed the draft minutes of the May 21, 2018 meeting. Upon motion of Chairman Steinbach, seconded by Member Shover, the minutes of the May 21, 2018 meeting were unanimously approved without amendment.

The Zoning Board members discussed the special meeting of the Planning Board held on June 18, 2018 immediately before the Zoning Board meeting, and the adoption by the Brunswick Planning Board of a SEQRA negative declaration on the High Peaks Solar utility-scale commercial solar facility action pursuant to SEQRA. The project is located at 566 Brunswick Road. However, the Zoning Board members noted that they had only received the updated plans and information concerning federal wetlands on the project site upon attendance at this meeting, and deferred any action at this meeting. Upon further discussion, to accommodate the schedule of the applicant, the Zoning Board members determined that the Zoning Board would hold a special meeting on July 2, 2018 at 6:00pm to discuss the variance applications submitted by High Peaks Solar for this action. The Zoning Board directed Attorney Gilchrist to prepare and have all required postings and publications completed for a special meeting notice for July 2, 2018 at 6:00pm.

The first item of business on the agenda was an area variance application submitted by Donald Gregware of DMG Contracting Inc. and Martin Dunbar for property located at 34 Stone Arabia Drive. The applicant seeks a rear yard setback variance in connection with the construction of a single-story addition to the existing residence located at 34 Stone Arabia Drive. Donald Gregware and Martin Dunbar were present. Chairman Oster inquired of the applicant whether there were any changes or additions to the application. Martin Dunbar, 34 Stone Arabia Drive, stated that there have been no changes or additions to the application. The Zoning Board members then opened a public hearing on the application. The notice of public hearing was read into the record, noting that the public hearing notice had been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of properties located within 300 feet of the project site. Chairman Steinbach opened the floor for receipt of public comment on the application. No members of the public wished to provide comment. Thereupon, Member Clemente made a motion to close the public hearing, which motion was seconded by Member Shover. The motion was unanimously approved, and the public hearing closed. Chairman Steinbach then inquired whether any of the other Zoning Board members had any questions or comments on the application. Hearing none, Chairman Steinbach stated that he wanted to confirm that the proposed addition was 24 feet by 24 feet, to be located at the back of the existing residence. Mr. Dunbar confirmed this specification. Chairman Steinbach wanted to confirm that the rear yard was elevated as it approached the rear property line, that Mr. Dunbar owned the property up to the fence and row of trees located in the rear yard, and the property located adjacent to the Dunbar rear property line was privately owned and there was no public access or right of way. Mr. Dunbar confirmed the accuracy of each of those comments. Member Shover wanted to confirm that the elevation change to the rear of the Dunbar lot resulted in a hill rising to the neighbor to the rear.

Mr. Dunbar did confirm that his lot does rise in elevation as it approaches the rear lot line, and that an existing fence and row of trees are located along the rear property line. Member Shover inquired whether the proposed addition would require a cut into the hillside. Mr. Dunbar stated that there would not be any cut in this slope for the house addition, and that the slope is really located only immediately adjacent to the rear property line. The Zoning Board members determined that the Board was ready to proceed with deliberation and action on the application. Attorney Gilchrist noted that this application seeks a lot line variance in connection with a residential project, and constitutes a Type 2 action under SEQRA, and no further SEQRA determination is required. Attorney Gilchrist then reviewed the factors to be considered in connection with the request for the area variance. As to whether the proposed variance would result in an undesirable change in the character of the neighborhood, or create a detriment to nearby properties, the Zoning Board members found that the addition proposed to this residence which requires the area variance is complimentary in style and structure to other homes in the neighborhood, and is consistent with the general building type in the neighborhood; as to whether the applicant can achieve the benefit by some other feasible alternative, the Zoning Board members concurred that there was not an alternate location on the property for the proposed addition, given the location of a pool in one area of the yard and the elevation change toward the rear property line, and that the proposed location for the addition to the home does fit the lot best; as to whether the requested area variance is substantial, it was noted that a 35-foot rear yard setback is required whereas a proposed setback of 20.66 feet is proposed, and the Zoning Board members concurred that in this case, there remained an adequate setback from the proposed addition to the house to the rear property line so that the structure remained consistent with other lots in this immediate neighborhood, and that the slope which occurs immediately adjacent to the rear lot line does add additional buffer to the rear

property owner; as to whether the requested variance would result in an adverse effect on the physical or environmental conditions in the neighborhood, the Zoning Board members concurred that there were no potential physical or adverse environmental impacts, that a visual barrier is created through the slope to the rear of the yard and the existing vegetative screening and fence; and as to whether the difficulty requiring the variance is self-created, Chairman Steinbach noted for the record that the need for the variance can be deemed to be self-created, but that again in this case this factor should not be determinative. Chairman Steinbach then inquired whether there were any further questions or comments. Hearing none, Attorney Gilchrist stated that the Zoning Board members should consider these factors in weighing the benefit to the applicant in granting the variance as opposed to any detriment to the neighborhood in particular or the Town in general. Member Clemente made a motion to grant the requested area variance based on this record, which motion was seconded by Chairman Steinbach. The motion was unanimously approved, and the area variance granted. The applicant was directed to coordinate with the Brunswick Building Department on all necessary building permits.

There were no items of new business to review.

The index for the June 18, 2018 meeting is as follows:

1. Gregware/Dunbar - Area variance - Granted.

The proposed agenda for the July 2, 2018 special meeting currently is as follows:

1. High Peaks Solar - Area variances.

There are currently no agenda items for the July 16, 2018 regular meeting of the Zoning Board of Appeals.