

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 APRIL 17, 2017

PRESENT were ANN CLEMENTE, CANDACE SCLAFANI, E. JOHN SCHMIDT, and WILLIAM SHOVER.

ABSENT was MARTIN STEINBACH, CHAIRMAN.

ALSO PRESENT was KAREN GUASTELLA, Brunswick Building Department.

Member Clemente served as acting Chair for the meeting.

Member Clemente reviewed the agenda for the meeting, noting that the special use permit application submitted by Stewart's Shops is adjourned to the May 15, 2017 meeting upon request of the applicant.

The draft minutes of the March 20, 2017 meeting were reviewed. Upon motion of Member Clemente, seconded by Member Shover, the March 20, 2017 minutes were unanimously approved without amendment.

The first item of business on the agenda was the recommendation to the Brunswick Town Board on the Hudson Hills proposed PDD amendment. Capital District properties is the applicant. Attorney Gilchrist noted that he had been contacted by William Hoblock of Capital District Properties, who informed attorney Gilchrist that he had a last-minute conflict and would not be able to attend the meeting but requested that the Zoning Board proceed with its deliberations on the recommendation and that he felt he had fully responded to all of the questions of the Zoning Board members. Member Clemente stated that she felt the applicant had responded to all of the questions of the Zoning Board members, and indicated that a draft recommendation had been prepared following the deliberations at the March 20 meeting, and asked the

Zoning Board members whether they had any comment on the draft recommendation. Member Sclafani indicated that she felt the draft recommendation accurately reflected the deliberations of the Zoning Board and the comments made at the March 20 meeting, and stated that Member Clemente had suggested an appropriate condition that any monetary contribution remain dedicated to recreational uses in the Town. No other members had any comment on the draft recommendation. The recommendation, in the form of a formal resolution, was then offered by Member Sclafani, and seconded by Member Shover. Upon roll call vote, the resolution adopting a recommendation on the Hudson Hills PDD amendment application was approved by a 3–1 vote (Member Schmidt voting no; Chairman Steinbach absent). The final recommendation is attached to these minutes, and will be forwarded to the Town Board.

The second item of business on the agenda was the Stewart’s Shops special use permit application, which is adjourned to the May 15 meeting upon request of the applicant.

The third item of business on the agenda was the special use permit and use variance application submitted by Cellco Partnership d/b/a Verizon Wireless. The applicant seeks to construct a telecommunications facility located proximate to the intersection of Creek Road and Menemsha Lane. David Brennan, Esq., of the Young Sommer law firm, was present representing the applicant. Attorney Brennan stated that the Town’s consulting engineer on this application, Laberge Engineering, had requested an RF analysis of alternative locations, and that Verizon is completing that RF analysis and will have that analysis submitted to the Town well in advance of the May meeting to allow Mr. Laberge and the Zoning Board members adequate time to review it. Attorney Brennan requested the application be placed on the May 15 agenda for further discussion. Member Clemente asked about the status of the balloon test for this location. Attorney Brennan stated that his recollection was the Zoning Board members discussed the option of performing a balloon test but had not yet confirmed that the test would be required. The Zoning Board members stated it was their recollection that the balloon test would be held. Attorney Brennan stated that the balloon test can be immediately scheduled, would likely be held on a Saturday, and that he would

coordinate with Verizon, the Town Building Department, and the Town consulting engineer on the date for a balloon test. Attorney Brennan stated that he felt the test could occur on Saturday, May 13, which would give adequate time for public notice. The type of public notice for the balloon test was discussed, with attorney Brennan stating that the notice would be placed in the official newspaper for the Town and on the Town website, and that he will coordinate with attorney Gilchrist and engineer Laberge regarding an appropriate geographic area for direct mail notice to surrounding property owners. Once the date for the balloon test is confirmed, attorney Gilchrist will mail that notice to the Zoning Board members as well. This matter is placed on the May 15 agenda for discussion.

Two items of new business were discussed.

The first item of new business discussed was a sign variance application submitted by Signworks Sign Corp on behalf of Nigro Companies and Golub Corporation for installation of signage at the drive-thru pharmacy area at the Market 32 store. Fred Early of Signworks Sign Corp was present, together with a representative of Golub Corporation. Mr. Early presented the proposed signage, which includes 9-inch letters identifying the entry and exit for the canopy over the drive-thru pharmacy area, and an identification sign of “pharmacy drive-thru”. Mr. Early stated that the signage at this site has been approved for approximately 600 square feet, and the additional signage for the drive-thru pharmacy is approximately 10 square feet. Mr. Early also stated this was a safety factor, which will provide clear signage as to the entry and exit area for the drive-thru pharmacy. Mr. Early stated that the letters would be illuminated through a strip placed under the letters. Member Clemente asked whether there were any other Price Chopper or Market 32 stores that had similar pharmacy signage. The applicant stated that there was similar signage at Price Chopper stores located in Clifton Park and Wilton. The Zoning Board members determined the application to be complete, and scheduled a public hearing to commence at 6:00pm at the Zoning Board May 15 meeting.

The second item of business discussed was an area variance application submitted by Cuiping Lin for property located at 14 Ledgewood Drive. Ms. Lin was present. The applicant is seeking to install an in-ground swimming pool at this location, and to locate the pool 18 feet from the rear property line. In this Zoning District, a 35-foot rear yard setback is required, and the applicant seeks an area variance allowing an 18-foot rear yard setback. The applicant confirmed that there was no neighbor located immediately to the rear of this lot, and that there are existing trees in the back of this yard. Member Clemente confirmed that the Zoning Board members will have access to the property to view the site prior to the May 15 meeting. The Zoning Board members confirmed that the application for this area variance is complete, and scheduled a public hearing to commence at 6:15pm at the Zoning Board May 15 meeting.

The index for the April 17, 2017 meeting is as follows:

1. Capital District Properties - Recommendation to Town Board on Hudson Hills PDD amendment - Completed;
2. Stewart's Shops - Special use permit - May 15, 2017;
3. Cellco Partnership d/b/a Verizon Wireless - Special use permit and use variance - May 15, 2017;
4. Signworks Sign Corp - Sign variance - May 15, 2017 (public hearing to commence at 6:00pm);
5. Lin - Area variance - May 15, 2017 (public hearing to commence at 6:15pm).

The proposed agenda for the May 15, 2017 meeting currently is as follows:

1. Signworks Sign Corp - Sign variance (public hearing to commence at 6:00pm);
2. Lin - Area variance (public hearing to commence at 6:15pm);
3. Stewart's Shops - Special use permit;
4. Cellco Partnership d/b/a Verizon Wireless - Special use permit and use variance.

**TOWN OF BRUNSWICK ZONING BOARD OF APPEALS
REGULAR MEETING**

April 17, 2017

**RESOLUTION ADOPTING A RECOMMENDATION ON THE HUDSON HILLS
PLANNED DEVELOPMENT DISTRICT AMENDMENT APPLICATION**

WHEREAS, the Town Board of the Town of Brunswick (“Town Board”) has received an application from Capital District Properties, LLC for an amendment to the Hudson Hills Planned Development District (“PDD”) located at the end of Betts Road; and

WHEREAS, the application for an amendment to the Hudson Hills PDD seeks approval to replace the public benefit originally required for the PDD with a monetary contribution to the Town of Brunswick; and

WHEREAS, the Town Board has referred the Hudson Hills PDD amendment application to the Town of Brunswick Zoning Board of Appeals for its review and recommendation; and

WHEREAS, the applicant was present at Zoning Board of Appeals meetings held December 19, 2016; January 23, 2017; and March 20, 2017, and discussed the proposed PDD amendment with the Zoning Board of Appeals members; and

WHEREAS, the Zoning Board of Appeals is in receipt of the Brunswick Planning Board recommendation dated February 2, 2017 concerning the proposed Hudson Hills PDD amendment, and has had the opportunity to review the Planning Board resolution setting forth its findings and recommendation; and

WHEREAS, the Zoning Board of Appeals members have had adequate opportunity to review the application materials, to review the Planning Board recommendation, to discuss the application with the applicant, and to deliberate on the proposed Hudson Hills PDD amendment;

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Appeals of the Town of Brunswick in regular session duly convened as follows:

1. The Zoning Board of Appeals concurs in the fact-findings of the Brunswick Planning Board as set forth in paragraph 1 of the Planning Board recommendation dated February 2, 2017, and hereby adopts the same fact findings.
2. Based on these findings and the deliberations of the Zoning Board of Appeals members, the Zoning Board of Appeals adopts a positive recommendation on the proposed amendment to the Hudson Hills PDD to provide for an alternate public benefit in the form of a monetary contribution to the Town of Brunswick, replacing and eliminating the construction and dedication of two youth baseball fields on a separate 25-acre parcel, subject to the following considerations:

a. While the amount and schedule for payment of such monetary contribution to the Town of Brunswick on the Hudson Hills PDD is left to the sound discretion and determination of the Town Board, careful consideration should be given by the Town Board to the amount of the monetary contribution in relation to the property acquisition and construction costs which would have been incurred by the project owner under the original Hudson Hills PDD public benefit requirement; and

b. In the event the Town Board agrees to a monetary contribution as an amendment to the Hudson Hills PDD public benefit, and given that the original Hudson Hills PDD public benefit was dedicated to a recreational use, such monetary contribution should be dedicated solely to recreation uses in the Town of Brunswick.

The foregoing Resolution, offered by Member Sclafani and seconded by Member Shover was duly put to a roll call vote as follows:

ZONING BOARD CHAIRMAN STEINBACH	VOTING <u>absent</u>
MEMBER CLEMENTE	VOTING <u>aye</u>
MEMBER SCHMIDT	VOTING <u>nay</u>
MEMBER SCLAFANI	VOTING <u>aye</u>
MEMBER SHOVER	VOTING <u>aye</u>

The foregoing Resolution was thereupon declared duly adopted.

April 17, 2017