

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 DECEMBER 18, 2017

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

ALSO PRESENT was KAREN GUASTELLA, Brunswick Building Department.

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

There were no scheduled agenda items for this meeting.

One item of new business was discussed.

An application for area variance has been submitted by John F. Murray, Jr. and Kellyanne H. Murray for property located at 10 Naples Court. John Murray, Jr. was present for the applicant. Chairman Steinbach requested Mr. Murray to review the area variance request. Mr. Murray explained that he is seeking to construct a 22-foot by 24-foot pool house behind his residence located at 10 Naples Court, but that the proposed location of the pool house is close to an existing interior lot line. Mr. Murray explained that he has combined three parcels for the property at 10 Naples Court on which his house is located, and that he subsequently obtained an additional parcel of property from the adjacent property owner (Gallivan) which has not been merged into his overall residential parcel. This additional parcel was obtained by Murray from Gallivan to act as a buffer from the then-operating Gallivan industrial operation on Oakwood Avenue. Mr. Murray explained

that he attempted to merge this additional buffer parcel into his overall residential parcel, but that the deed of merger was not accepted by Rensselaer County due to the fact that the buffer parcel is located in a different school district than his overall residential parcel. Mr. Murray stated that the Brunswick Building Department is requiring a setback variance for the construction of the pool house, given the interior lot line resulting from the additional buffer parcel. Attorney Gilchrist explained that it is his understanding that Rensselaer County will not allow the merger of the buffer parcel into the Murray residential parcel due to the fact of different school districts between the two parcels. Attorney Gilchrist explained that due to the existence of the interior lot line caused by the non-merger of the buffer parcel, and given the proposed location of the pool house in relation to that interior lot line, an area variance for setback from this internal lot line is required. Attorney Gilchrist stated that the Building Department cannot issue a building permit for a proposed project that is technically not in compliance with the Brunswick Zoning Law, including its setback requirements. Chairman Steinbach asked the Board members whether they had any questions regarding the application. The Board members had no questions regarding the proposal. Chairman Steinbach then explained the procedure of the Zoning Board on area variance applications, which requires a public hearing prior to Zoning Board action. Chairman Steinbach indicated that the Zoning Board will be holding its January meeting on January 22, rather than January 15, due to the Martin Luther King holiday. The Zoning Board members determined that the application for area variance submitted by Murray is complete, and scheduled a public hearing for January 22, 2018 to commence at 6:00pm.

The Zoning Board members confirmed on the record that it will not hold its January meeting on January 15 due to the Martin Luther King holiday, and will hold a special meeting on January 22, 2018 for the January meeting. The Zoning Board members directed Attorney Gilchrist

to prepare a notice of special meeting concerning the January 22, 2018 meeting date. Attorney Gilchrist stated that the special meeting notice will be prepared and then posted and published in the accordance with legal requirements.

The index for the December 18, 2017 meeting is as follows:

1. Murray - Area variance - 1/22/2018 (public hearing to commence at 6:00pm).

The proposed agenda for the January 22, 2018 meeting currently is as follows:

1. Murray - Area variance (public hearing to commence at 6:00pm).