

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 JANUARY 22, 2018

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 December 18, 2017 meeting. Upon motion of Member Clemente, seconded by Member Sclafani, the minutes of the December 18, 2017 meeting were unanimously approved without amendment.

The first item of business on the agenda was the area variance application submitted by John F. Murray, Jr. and Kellyanne H. Murray for property located at 10 Naples Court. John Murray was present for the applicant. Chairman Steinbach inquired whether there were any changes or additions to the area variance application materials. Mr. Murray stated that there were no changes or additions. The Zoning Board then opened a public hearing on the area variance application. The notice of public hearing was read into the record, noting that the public hearing notice was 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. No members of the public wished to provide any comment. Thereupon, Member Shover made a motion to close the public hearing, which motion was seconded by Member Sclafani. The motion was unanimously approved, and the public hearing was closed on the Murray area variance application. Chairman Steinbach then stated that

in his opinion, there was not much to deliberate on this application, as the variance is needed only as a result of an interior property line, and that all properties at issue are owned by the Murrays. Attorney Gilchrist noted for the record that the interior lot line, which makes necessary the area variance application for the construction of the proposed pool house, exists as a result of Murray acquiring a piece of property from the adjacent property owner (Oakwood Property Management, LLC) to serve as a buffer between the Murray parcel and the Oakwood Property operations. Such buffer parcel was intended to be merged into the balance of the property owned by Murray but, as a result of a position taken by Rensselaer County, the County would not accept the deed merging the parcels, and the two parcels remain separate parcels on the County Tax Map. Attorney Gilchrist confirmed with Mr. Murray that it had been the intent of the property owner to have these parcels merged, but that the County would not accept the merger deed. Mr. Murray confirmed this on the record. The Zoning Board members agreed to deliberate and act on the application. Member Clemente stated that this application seeks an area variance for residential purposes, and constitutes a Type 2 action under SEQRA. Attorney Gilchrist concurred, stating that, as a Type 2 action, no further SEQRA determination is required. Attorney Gilchrist reviewed the standards for issuance of an area variance. The Zoning Board members generally discussed all of the factors to consider in the area variance request, and unanimously concurred that the requested area variance would not result in an undesirable change in the character of the area or create a detriment to nearby properties; that a viable alternative did not exist to locate the pool house in relation to the pool; that the variance should not be deemed substantial given the character of the lot line as an internal lot line with an adjacent buffer parcel owned by the common owner; that the variance would not result in any detrimental physical impacts; and that this need for the area variance should not be considered self-created, as the property owner was intent on merging the parcels but was

unable to do so as a result of the position of Rensselaer County. Member Clemente also stated that the Murrays were merely trying to bring their property into compliance, and the variance need arose simply as a result of the County refusing to accept the deed of merger. Chairman Steinbach asked whether there were any further questions or discussion. Hearing none, Member Schmidt made a motion to grant the area variance as requested, which motion was seconded by Member Shover. The motion was unanimously approved, and the area variance granted. Mr. Murray was directed to coordinate with the Brunswick Building Department on necessary permits for the pool house installation.

There was one item of new business discussed.

An application for a sign variance has been submitted by Ace Hardware for its property located at 831 Hoosick Road. Thomas Dingley was present on the application on behalf of Ace Hardware. Mr. Dingley explained that Ace Hardware was looking to install a new sign in place of the prior dance studio sign, with the new sign advertising for the paint operations which had been relocated to the area of the former dance studio. Mr. Dingley explained that he is seeking a variance to increase the sign size in that location by an additional four square feet. Mr. Dingley explained that the dance studio sign was five feet by ten feet, for a total of 50 square feet, whereas the new paint store sign is proposed to three feet by eighteen feet, for a total of 54 square feet. Mr. Dingley stated that the sign would have the Benjamin Moore name and a small logo. Member Clemente asked a question concerning lighting of the sign. Mr. Dingley stated that the sign would be backlit, and would not have down-lighting. The Zoning Board members viewed the application materials, including the sign elevations and design, and determined the application materials to be complete. Chairman Steinbach stated that a public hearing will be required, and the Zoning Board will hold a public hearing at its February meeting to commence at 6:00pm. The Zoning Board

then stated that the regular date for the February Zoning Board meeting falls on February 19, which is a holiday (President's Day). The Zoning Board then unanimously approved canceling the February 19 meeting in honor of the holiday, and holding a special meeting on February 26. The public hearing on the Ace Hardware sign variance application will be held on February 26, 2018 to commence at 6:00pm.

It is noted for the record that variance applications have been submitted by High Peaks Solar, LLC for property located at 566 Brunswick Road, at which High Peaks Solar is proposing a utility-scale solar facility behind the Hope United Methodist Church. High Peaks Solar, LLC was not present, and the Zoning Board placed the variance applications submitted by High Peaks Solar on the agenda for its February 26 meeting.

The index for the January 22, 2018 meeting is as follows:

1. Murray - Area variance - Granted;
2. Ace Hardware - Sign variance - February 26, 2018 (public hearing to commence at 6:00pm.)

The proposed agenda for the February 26, 2018 meeting currently is as follows:

1. Ace Hardware - Sign variance;
2. High Peaks Solar, LLC - Area variances.