

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 16, 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 March 19, 2018 meeting. Upon motion of Member Scalfani, seconded by Member Clemente, the minutes of the March 19, 2018 meeting were unanimously approved without amendment. The Zoning Board members also reviewed the draft minutes of the April 5, 2018 joint meeting with the Brunswick Planning Board, and particularly the minutes concerning the joint public hearing held on the High Peaks Solar applications. Upon motion of Member Clemente, seconded by Member Schmidt, the minutes of the joint public hearing held with the Brunswick Planning Board as set forth in the April 5, 2018 minutes were unanimously approved without amendment.

Chairman Steinbach noted that Kevin Bailey of High Peaks Solar was present with respect to the pending area variance applications on the High Peaks Solar/Hope United Methodist Church commercial solar facility. Chairman Steinbach inquired whether any members of the Zoning Board had questions for Mr. Bailey concerning the area variance applications at this time. The Zoning Board members concurred that they had no questions for the applicant at this meeting, but that they reserve the right for further discussion and questions of the applicant in subsequent meetings concerning the area variance applications. Also, the record is noted that the applicant is

addressing the Federal wetland delineation issue which was identified during the April 5 joint meeting with the Brunswick Planning Board, and that based on that wetland investigation, there may be certain changes to the application. The Zoning Board members stated they would like the Federal wetland issue resolved prior to any further deliberation on the area variance applications. Mr. Bailey stated that he was continuing to work on the Federal wetland delineation issue. This matter is adjourned pending submission of information by the applicant concerning the Federal wetland delineation on the project site.

The first item of business on the agenda was the area variance application submitted by Daniel and Janice Proper for property located at 1020 Cloverlawn Road. Daniel and Janice Proper were present. Chairman Steinbach inquired whether there were any changes or additions to the area variance application. Mr. Proper stated that there were no changes or additions to the variance application, and that he is seeking an area variance in connection with installation of an addition to an existing porch that will be 12.9 feet from the side yard lot line, and that the Town Zoning Law requires a 15-foot setback. The Zoning Board then opened the public hearing on the area variance application. The notice of public hearing was read into the record, with the public hearing notice having been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of property within 300 feet of the project site. Chairman Steinbach opened the floor for receipt of public comment. Robert Hayes, 1018 Cloverlawn Road, stated that he lives next door to the Proper property, that he is the closest to the area of the porch addition, that he had no problem at all with the application, stating that the Propers had been good neighbors for 36 years. No further members of the public wished to provide comment on the application. Chairman Steinbach inquired whether any Zoning Board members had questions on the application. Hearing none, Member Clemente made a motion to close the public hearing on

the Proper area variance application, which motion was seconded by Member Shover. The motion was unanimously approved, and the public hearing closed. Thereupon, the Zoning Board members determined to deliberate and act upon the application. It is noted for the record that this application seeks an area variance for a single family residence, and constitutes a Type 2 action under SEQRA. Attorney Gilchrist reviewed the factors to be considered by the Zoning Board in making its determination on this area variance application. The Zoning Board reviewed the area variance standards, with Member Clemente stating that she felt the proposed addition to the porch is in keeping with the general character of the neighborhood, which she identifies as including homes with growing families, with the homes having decks, sheds, porches, playgrounds, and that this proposed project would not result in any adverse change to that neighborhood character; Chairman Steinbach stated that the neighborhood has evolved over time, and that this addition to the porch is consistent with that neighborhood evolution, and places significant importance on the fact that the closest neighbor has no objection to the variance; Member Sclafani stated that she is familiar with the neighborhood, and agrees with the prior comments of Chairman Steinbach and Member Clemente; Member Shover likewise agrees with the prior comments; Member Schmidt stated that he did not feel the extent of the requested setback variance was substantial, with which the remaining Zoning Board members concurred; Member Clemente noted that the porch could only be extended in the area being proposed, so that she did not feel there were any feasible alternatives in this case; Chairman Steinbach stated that this porch extension would not result in any adverse physical or environmental impact; Chairman Steinbach also noted that while the area variance need could be deemed to be self-created, this factor was not determinative, with the remaining Zoning Board members concurring in that opinion. Based upon deliberation of these factors, and in balancing the benefit to the applicant in granting the area variance as opposed to any detriment

to the neighborhood in particular or the Town of Brunswick in general, Member Clemente made a motion to approve the area variance as requested, which motion was seconded by Member Schmidt. The motion was unanimously approved, and the area variance granted. The applicants were directed to coordinate with the Brunswick Building Department on necessary permits for the proposed work.

The next item of business on the agenda was the sign variance application submitted by AJ Signs/ValuSpace for property located at 850 Hoosick Road. Bridgette Shoemaker of AJ Sign Company was present for the applicant. Chairman Steinbach inquired whether there were any changes or additions to the application. Ms. Shoemaker stated there were no changes or additions to the application. Ms. Shoemaker did have responses to questions that the Zoning Board had raised at the March meeting. Ms. Shoemaker stated that the hours of operation for the facility in terms of key card access for customers is 6:00am–10:00pm, 7 days a week, with the provision that management discretion can allow customer access on specific occasions and only as approved by management. Ms. Shoemaker also stated that the hours during which staff is present at the facility include Monday–Friday 9:00am–5:30pm, Saturday 9:00am–3:00pm, and Sunday 11:00am–3:00pm. Ms. Shoemaker did state that the owner is requesting that signs be allowed to be illuminated at all times during the night hours, stating that there are no residences in close proximity, and the signs would provide illumination along the Hoosick Road commercial corridor only. Ms. Shoemaker stated that the owner is anticipating a facility opening by July 1. Ms. Guastella confirmed that the on-site construction manager needed to push the opening date from June 1 to July 1 due to weather conditions. The Zoning Board then opened the public hearing on the sign variance application. The notice of public hearing was read into the record, with the public hearing notice having been published in the Troy Record, placed on the Town signboard, posted

on the Town website, and mailed to owners of properties within 300 feet of the project site. The floor was opened for receipt of public comment. No members of the public wished to provide any comment on the application. Thereupon, Member Shover made a motion to close the public hearing, which motion was seconded by Member Clemente. The motion was unanimously approved, and the public hearing closed. The Zoning Board members then reviewed the extent of the requested sign variances. The applicant is seeking three sign variances. First, a variance is sought for the total number of signs at the facility, as the Town sign law allows two signs at this facility and a total of four signs are being proposed. Second, the total square footage for the proposed free-standing sign is 57.33 square feet on each side of the sign, while the Town sign law allows a total of 35 square feet per side of the free-standing sign. Third, the Town sign law allows a total of 300 square feet for wall signage for this facility, while the applicant is proposing a total of 543 square feet in wall signage. It is noted for the record that the recommendation of the Rensselaer County Planning Department has been received, indicating that the proposal does not have a major impact on County plans and that local consideration shall prevail, but providing a comment that the wall-mounted signs could be made slightly smaller to reduce the area coverage. Chairman Steinbach inquired about the proposed monument sign, and specifically how far the sign was removed from the street. Ms. Shoemaker stated that the monument sign is approximately 17 feet from the curb. Chairman Steinbach asked how tall the monument sign is proposed to be. Ms. Shoemaker stated that the height of the monument sign is proposed to be 86 inches, or 7 feet 2 inches in height. Member Shover asked whether the monument sign was the same style and type as that used by ValuSpace at its Albany facility. Ms. Shoemaker confirmed that this is the same monument sign as used at the Albany facility. Chairman Steinbach noted that the Zoning Board generally has concern regarding the safety of pylon signs, and focused on adequate distance of the

pylon sign from the public street in relation to the height of the pylon sign. Chairman Steinbach stated that the proposed monument sign did not raise this concern, as the height of the proposed monument sign is 7 feet and it will be a total of approximately 17 feet from the curb. Member Sclafani agreed with that observation. The Zoning Board discussed procedure, and determined to discuss each requested sign variance separately. As to the total number of signs being proposed for this facility, given the size of the building, Chairman Steinbach did not feel that a total of four signs was unreasonable. The Zoning Board reviewed the four signs, which include the ValuSpace logo sign near the building entrance, the “self-storage” letter sign, the “temperature controlled” letter sign, and the free-standing monument sign. Member Clemente asked whether the dimensions of the signage on the Brunswick facility were the same as the ValuSpace Albany facility. Ms. Shoemaker stated that the monument sign, and the lettered signs of “self-storage” and “temperature controlled” were the same size, but that the logo sign visible from I-90 was not the same size. Member Shover wanted to confirm that the logo sign, which includes the name “ValuSpace”, is considered one sign under the Brunswick sign law. Ms. Guastella confirmed that this is considered one sign under the Brunswick sign law. Member Sclafani stated that in her opinion, the layout of the lettered signs, including “self-storage” and “temperature controlled”, looks like one sign, even though it is considered two separate signs under the Town sign law. Member Schmidt reviewed the measurement of the logo sign, and how the square footage was calculated. Following discussion, it was noted that the square footage of just the logo and the ValuSpace letters is approximately 258 square feet; however, the method used under the Town sign law to measure the total area of the sign results in square footage of 390 square feet for the logo sign. Member Schmidt observed that there was a lot of dead space over the letters included in the logo sign that was included in the total square footage calculation. The Zoning Board

members then focused on the issue of the cumulative area of the wall signage. Member Schmidt specifically stated that he did have a problem with the amount of the cumulative wall sign coverage. Member Clemente noted that the proposed signs were the same size as the signs on the ValuSpace Albany facility, but that the building in Brunswick is smaller than the building in Albany. Member Schmidt stated that in his opinion, signs were not needed to identify the building, as customers for the storage space would be seeking out the building location. Member Schmidt also stated that this building was large and fairly close to the road, and that the building was impossible to miss. Member Clemente stated that the monument sign will attract attention, and the wall signage was not as important. Ms. Shoemaker stated that the monument sign is blocked by the existing hill between the ValuSpace building and Tractor Supply when driving in a westerly direction. Following further deliberation, the Zoning Board members confirmed that they did have a concern regarding the cumulative wall sign coverage, and did note that the County had raised the same comment. The Zoning Board members felt that the total number of signs for this facility was not a significant issue, and that the size of the monument size was not a significant issue, but that the cumulative wall sign square footage was an issue. Chairman Steinbach stated that in his opinion, the lettered signs of “self-storage” and “temperature controlled” were important, that the monument sign was important, but that the logo sign could be reduced. Chairman Steinbach did note that the proposed cumulative square footage of the wall sign is nearly double than that which is allowed under the Town sign law. Ms. Shoemaker asked whether the individual variance applications could be considered separately. Attorney Gilchrist stated that the application should be considered as a whole, and that the Zoning Board will need to make a determination of environmental significance under SEQRA regarding the entire action, which does give rise to the issue of the total cumulative area of the wall signage. The Zoning Board requested that Ms.

Shoemaker review these comments with the owner, and that this matter would be placed on the May 21 agenda, and requested that the owner be available at that meeting for purposes of discussing total wall sign area. Chairman Steinbach also stated that in his opinion, having the signs illuminated all night also may be an issue, and requested that Ms. Shoemaker discuss that issue with the owner as well. This matter is placed on the May 21 agenda for further discussion.

One item of new business was discussed.

An area variance application has been submitted by John and Theresa Kaschak for property located at 19 Brunswick Sportsman Road. Brian Holbriiter, LLS, was present for the applicant. Mr. Holbriiter explained that the applicants own property totaling 2.85 acres, on which a residence is located and also a mobile home which is grandfathered under the Brunswick Zoning Law. Mr. Holbriiter explained that the 2.85 acres was at one point in time divided into two lots, but at some point had been merged into a single lot. The owners are now looking to sell both the house and the mobile home, and are looking to divide the property back into two lots for purposes of selling the home on its own lot and selling the grandfathered mobile home on its own lot. In preparing the subdivision, the most logical proposed property line would result in the mobile home being located on a lot that will be .57 acres, or approximately 24,500 square feet, but the property is located in the A-40 Zoning District which requires lots of 40,000 square feet. The lot on which the residence is located will be substantially larger than the minimum 40,000 square feet. Mr. Holbriiter noted that the residence and the mobile home have separate septic systems, separate utility hookups, and are both independently connected to public water. Mr. Holbriiter also stated that he has confirmed the proposed subdivision line meets all setback requirements for both the residence and the mobile home as required in the A-40 Zoning District. Mr. Holbriiter stated that all area and bulk requirements are met except for the minimum lot size. Member Schmidt asked

whether the matter will need to go before the Planning Board on the subdivision. Mr. Holbriiter stated that the Planning Board will need to address the subdivision proposal, but that the Planning Board could not approve the subdivision resulting in a substandard lot, and therefore he is proposing the area variance at this time. Attorney Gilchrist noted that the Zoning Board had recently addressed a similar circumstance with property located on Town Office Road, and the same procedure was used, namely the area variance was first addressed by the Zoning Board and the Planning Board subsequently addressed the subdivision. Upon review of the application materials, the Zoning Board members deemed the application complete, and scheduled this matter for public hearing at its May 21 meeting to commence at 6:00pm.

The index for the April 16, 2018 meeting is as follows:

1. High Peaks Solar/Hope United Methodist Church - Area variance - Adjourned pending receipt of additional information from applicant;
2. Proper - Area variance - Granted;
3. AJ Signs/ValuSpace - Sign variance - May 21, 2018;
4. Kaschak - Area variance - May 21, 2018 (public hearing to commence at 6:00pm).

The proposed agenda for the May 21, 2018 meeting of the Zoning Board of Appeals currently is as follows:

1. Kaschak - Area variance (public hearing to commence at 6:00om);
2. AJ Signs/ValuSpace - Sign variance.