

Zoning Board of Appeals

TOWN OF BRUNSWICK
336 Town Office Road
Troy, New York 12180

MINUTES OF THE BRUNSWICK ZONING BOARD OF APPEALS SPECIAL MEETING HELD OCTOBER 30, 2023

PRESENT were ANN CLEMENTE, CHAIRPERSON, E. JOHN SCHMIDT, JOHN MAINELLO III and DARYL LOCKROW.

ABSENT was PATRICIA CURRAN.

ALSO PRESENT was MICHAEL McDONALD, Brunswick Building Department.

Chairperson Clemente reviewed the agenda for the meeting, as posted on the Town sign board and Town website.

The first item of business on the agenda was an area variance application submitted by Larry Mackey for property located at 444 Farm to Market Road. Larry Mackey was present. Chairperson Clemente stated that a public hearing had been opened and public comments received on the application at the last Zoning Board meeting on October 16, that the public hearing had been kept open, and that the special meeting was being held concerning the area variance application to continue the public hearing and to avoid any undue delay to the applicant. Member Schmidt recused himself. Chairperson Clemente generally reviewed the public comments received on October 16, all in favor of having the area variance granted. Chairperson Clemente then allowed any further public comment on the application. Gary Joy, of 51 Joy Lane, stated that he had spoken at the October 16 meeting in favor of the project and that since that meeting, he had received letters from two neighbors, and that he had brought those letters with him. Mr. Joy read the letters from Matt Kronau, of 7 Joy Lane, and Tim Kronau, of 36 Joy Lane, both of which were in favor of the

project. Lewis Hutter, of 228 White Church Road, had a question on the Town zoning ordinance concerning election signs. Chairperson Clemente stated that the special meeting was being held only to address the Mackey application, and that any questions or comments concerning the Town Zoning Law should be directed to the Town Board. Chairperson Clemente noted that the number of neighbors attending the public hearing, all in support of the project, was unprecedented since she had been serving on the Zoning Board, and that it was great seeing neighbors supporting one another so strongly. There were no further questions or comments from the Zoning Board. Chairperson Clemente made a motion to close the public hearing, which was seconded by Member Mainello. The motion was unanimously approved, and the public hearing was closed. Chairperson Clemente stated that the Town had received a letter from the Rensselaer County Bureau of Economic Development and Planning stating that the project will not have a major impact on County plans and that local consideration shall prevail. Chairperson Clemente also stated that the project was a Type II action under SEQRA, which does not require any further SEQRA review. The Zoning Board then reviewed the elements for consideration on the area variance requested in the application. As to whether the requested variance would result in an undesirable change in the character of the neighborhood or create a detriment to nearby properties, Chairperson Clemente stated that it would not as other homes in the neighborhood had accessory structures of a similar size, the accessory structure would be off the road and hidden by trees on the property, and would be painted to complement the colors of the house on the property. As to whether a feasible alternative was available, Member Mainello stated that the applicant had proposed the best location for the barn and that it would have no impact on his neighbors. As to whether the requested variance was substantial, Chairperson Clemente stated that the applicant was proposing an approximately 2,400 square foot structure where only 1,500 square feet was allowed for an

accessory structure, that the barn met all setback requirements, and that it was on an 11-acre parcel in an A-40 agricultural district. Member Mainello stated that the variance was not substantial considering the large size of the parcel. As to whether the variance would create an adverse environmental impact, Chairperson Clemente stated that the barn would result in minimal impact to traffic, noise, and emergency services. As to whether the difficulty giving rise to the need for the variance was self-created, Chairperson Clemente stated that when the applicant purchased the property in 2016, an accessory structure of 2,400 square feet would have been allowed under the Brunswick Zoning Ordinance, but that it is not allowed under the 1,500 square-foot limit included in the Brunswick Zoning Law passed in 2017, so the need for the variance could be viewed as not self-created. Chairperson Clemente asked the Zoning Board members if there were any further questions or comments, and there were not. Member Mainello made a motion to grant the area variance, which was seconded by Member Lockrow. The motion was unanimously approved and the area variance was granted. Chairperson Clemente directed the applicant to continue working with the Town Building Department on this matter.

The index for the October 30, 2023 special meeting is as follows:

1. Mackey – area variance (approved).

The proposed agenda for the November 20, 2023 regular meeting is as follows:

1. Kohler – area variance (public hearing to commence at 6:00pm).
2. Bulson – appeal.