

# **ZONING MINUTES**

**2008**

# TOWN OF BRUNSWICK ZONING BOARD OF APPEALS

336 TOWN OFFICE ROAD, TROY, NEW YORK 12180

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## DRAFT MINUTES

A Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on January 28, 2008, at 6:00 P.M.

Present at the meeting were: James Shaughnessy, Member  
Caroline Trzcinski, Member  
Eric Wohlleber, Sullivan, Member  
E. John Schmidt, Member  
James Hannan, Chairman (arrived late)

Also present was Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary, and John Kreiger, Superintendent of Utilities and Inspections. At 5:30 P.M., a Workshop Meeting was held wherein the Board Members reviewed files and discussed pending matters informally. The regular meeting was called to order at 6:05 P.M. As Chairman Hannan was not present when the meeting was called to order, the first item of business was selection of a temporary chairman. Member Trzcinski made a motion to select Member Shaughnessy as temporary chairman. Member Schmidt seconded. The motion carried 4 - 0.

The next item of business was approval of the minutes of the December, 2007, meeting. Member Trzcinski made a motion to approve the minutes as submitted. Member Schmidt seconded. The motion carried 4 - 0.

The next item of business was further consideration of the Application for Zoning Permit and Request for Special Use Permit of OMNIPOINT COMMUNICATIONS, INC., applicant, dated June 15, 2007, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a minor personal wireless telecommunications service facility, consisting of six (6) antennas to be affixed at the sides and back corners of the bell tower, below the top of the bell tower, of the Gilead Lutheran Church of Brunswick, located at 308 Brick Church Road, in the Town of Brunswick, at a centerline height of 79 feet, and associated cellular equipment cabinets on a 10' x 16' concrete pad to be located within a 14' x 23' fenced area on the north side of the Church, because a minor personal wireless telecommunications service facility is only allowed by way of a Special Use Permit issued by the Zoning Board of Appeals. Jeff Davis, Esq., of Harris Beach, appeared for the applicant.

Chairman Hannan appeared at the meeting at that point. Member Shaughnessy offered him the Chair but Member Hannan said he was not feeling well and might have to leave at any point. Mr. Davis stated that they had revised the EAF and the site plan as per Mr. Laberge's report. They added the required vegetative screening. The Sprint equipment currently on the site is not shown on the plan as it is inside the church building. Attorney Cioffi pointed out that the applicant's prior representative had agreed on the record that the fence around the equipment would be 8 feet high,

as per the town's requirement. After some further discussion, Attorney Cioffi stated that the Board Members had before them a draft Determination as well as a Resolution adopting the same. The Decision, in essence, grants the special use permit with the respect to the application as significantly amended during the process, subject to certain conditions. Chairman Hannan offered the Resolution adopting the draft Determination. Member Shaughnessy seconded. The Resolution was put to a roll call vote and all voted in the affirmative. A copy of the Resolution and the Determination are incorporated into these Minutes.

The next item of business was further consideration of the Application for Zoning Permit and Request for a Special Use Permit of ROBERT and LINDA HANER, owners-applicants, dated October 24, 2007, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed conversion of a single family dwelling located at 104 Deepkill Road, in the Town of Brunswick, to a two-family dwelling, because two-family dwellings are allowed only by way of special use permit granted by the Zoning Board of Appeals.

Robert Haner appeared. He stated that they have submitted the plot plan and the floor plan as requested by the Board. Member Trzcinski asked whether the units had separate entrances. Mr. Haner said that there is an entrance to a common foyer and there is access to both units from the foyer. There were no further comments from the Board or the public. Chairman made a motion to close the public hearing. Member Wohlleber seconded. The motion carried 5 - 0. A written decision will follow.

The next item of business was consideration of the Town Board's request for a recommendation on the proposed Brunswick Meadows planned development district. John Mainello appeared with Linda Stancliffe from Erdman & Anthony. They briefly described the current, updated plan. Currently proposed are 26 four unit buildings, containing 4 condominium units each. The original proposal was for 32 building. More recently, the proposal had been for 28 buildings.

Attorney Cioffi noted that the Planning Board acted on this matter on January 17, 2008. Member Shaughnessy said that he, like the Planning Board, was concerned about the density. He also noted that concerns were being raised by some neighbors. The Board generally concurred with the findings and recommendation of the Planning Board. After some further discussion, Member Shaughnessy made a motion to go into private session to ask Attorney Cioffi some legal questions. Member Hannan seconded. The motion carried 5 - 0.

After a brief discussion with Attorney Cioffi on legal issues, Chairman Hannan made a motion to return to Regular Session. Member Shaughnessy seconded. The motion carried 5 - 0. Member Shaughnessy noted that no action was taken in the private session.

After some further discussion, Member Shaughnessy offered the following Resolution:

***BE IT RESOLVED, that the Zoning Board of Appeals acknowledges and generally concurs with the findings and recommendations of the Planning Board as set forth in its Resolution bated January 17, 2008, and, in addition, finds and determines that, at a minimum, Buildings 1, 2 and 16 should be deleted from the Plan due to the overall density, and the proximity of those buildings to adjacent property owners and the entrance to NYS Route 142.***

Chairman Hannan seconded. The Resolution was duly put to a roll call vote as follows:

Member Wohlleber	Voting Aye
Member Trzcinski	Voting Aye
Member Shaughnessy	Voting Aye
Member Schmidt	Voting Aye
Chairman Hannan	Voting Aye

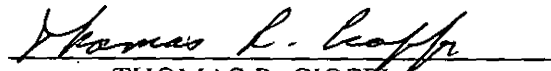
The Resolution was thereupon duly adopted.

The Board set the next meeting for February 25, 2008, in light of the Annual Meeting of the Association of Towns.

There being no further business, Chairman Hannan made a motion to adjourn. Member Wohlleber seconded. The motion carried 5 - 0.

Dated: Brunswick, N.Y.  
February 10, 2008

Respectfully submitted,



THOMAS R. CIOFFI  
Town Attorney - Zoning Board Secretary

**TOWN OF BRUNSWICK  
ZONING BOARD OF APPEALS**

**REGULAR MEETING**

**January 28, 2008**

**RESOLUTION ADOPTING DETERMINATION**

**WHEREAS**, an application have been filed by Omnipoint Communications, Inc., dated June 15, 2007, for the approval of a minor personal wireless telecommunications service facility to be constructed on the Gilead Lutheran Church of Brunswick, located at 308 Brick Church Road, in the Town of Brunswick, ; and

**WHEREAS**, the matter have duly come on for public hearing; and

**WHEREAS**, the Board having caused to be prepared a written Determination with respect to the said application, which is annexed hereto; now, therefore, after due deliberation

**BE IT RESOLVED**, that the annexed Determination be and hereby is approved and adopted in all respects.

The foregoing Resolution which was offered by Chairman Hannan and seconded by Member Shaughnessy, was duly put to a roll call vote as follows:

<b>MEMBER WOHLLEBER</b>	<b>VOTING</b> <u>Aye</u>
<b>MEMBER SCHMIDT</b>	<b>VOTING</b> <u>Aye</u>
<b>MEMBER SHAUGHNESSY</b>	<b>VOTING</b> <u>Aye</u>
<b>MEMBER TRZCINSKI</b>	<b>VOTING</b> <u>Aye</u>
<b>CHAIRMAN HANNAN</b>	<b>VOTING</b> <u>Aye</u>

The foregoing Resolution was thereupon declared duly adopted.

Dated: January 28, 2008

TOWN OF BRUNSWICK  
ZONING BOARD OF APPEALS

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In the Matter of the Appeal and Petition of

OMNIPOINT COMMUNICATIONS, INC.

DETERMINATION

Applicant

For the Issuance of a Special Use Permit Under the Zoning  
Ordinance of the TOWN OF BRUNSWICK

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This matter was initiated by the filing of an Application for Zoning Permit and Request for Special Use Permit of OMNIPOINT COMMUNICATIONS, INC., applicant, dated June 15, 2007, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a minor personal wireless telecommunications service facility, consisting of six (6) antennas to be affixed at the sides and back corners of the bell tower, below the top of the bell tower, of the Gilead Lutheran Church of Brunswick, located at 308 Brick Church Road, in the Town of Brunswick, at a centerline height of 79 feet, and associated cellular equipment cabinets on a 10' x 16' concrete pad to be located within a 14' x 23' fenced area on the north side of the Church.

In the course of the review of this application, concern was raised by the Board regarding the visual impacts of the antennas on the Church, which is an historical structure. Due to these concerns, during the course of the review, the applicant decided to markedly alter its proposal. While there were originally 6 antennas proposed, all near the top of the bell tower on the wrought iron fencing, now there are only 3 proposed, two on the top of the bell tower on the wrought iron fencing and one on the brick facade on the side of the bell tower. The antennas on the top of the bell tower remain at a centerline height of 79 feet. The one on the side of the bell tower is at a centerline height of 60.0 feet. The antennas at the top will be painted black, the one on the side will be painted to match the color of the brick. Also, the type of antennas have been changed to quad pole antennas. They are 53 inches in height, 12 inches wide, and 6 inches deep. The antennas originally proposed were 58 inches in height, 8 inches wide and 6 inches deep. The applicant also agreed to change the proposed height of the fence around the equipment area from 6 feet to 8 feet. Revised plans were submitted by the applicant dated December 6, 2007. It is the application, as revised, which is now being considered and ruled upon by this Board.

This application is brought pursuant to Local Law No. 1 for the Year 1999 which provides for the regulation of personal wireless telecommunications facilities in the Town of Brunswick. The applicant has submitted all of the application materials required by the local law. The application has been deemed complete by the Board. The Board takes notice of the fact that the Town Board, in enacting the Town's telecommunications law, expressed a clear intent that minor personal wireless facilities be used whenever possible. The law provides, essentially, that once the applicant submits all the information and materials required for a minor facility, if it appears that the modifications to the existing building or structure are insignificant, the permit should be granted. Both the original application, and the application as revised, were referred to the Board's consulting engineer, Ronald Laberge, P.E., for review and comment. At the public hearing, which extended over several sessions, the applicants representatives addressed the questions and concerns of the Board. Despite having been twice notified, once by this Board and once by the applicant, no adjoining landowner expressed any concern about the project. No one from the general public spoke with regard to the project.

The Board hereby classifies this matter an unlisted action under SEQRA. The Board has reviewed Part 1 of the EAF submitted by the applicant as well as Part 2 of the EAF prepared at the behest of this Board. The Board notes that there are already telecommunications antennas on the Church building. The applicant has submitted photo simulations showing the location and appearance of the antennas. The additional antennas are not large and are fairly unobtrusive from a visual standpoint. Certainly, no one from the public complained about the appearance or visibility of the antennas. Since, unlike the existing telecommunications facility at this location, the ground equipment will be placed outside the Church building, the Board will require that the ground equipment be suitably screened to avoid any visual impacts. As previously stated, the Church is an historic structure. However, the applicant provided documentation establishing that it sent the project materials to the State Historic Preservation Office (SHPO) for review well and that SHPO failed to voice any concerns, or ask for additional information, within 40 days of the date of such submission. Documentation was also provided regarding SHPO's current policy that it will only respond to cell tower project inquiries when additional information is required or where it has specific concerns, and that its failure to respond within 40 days can be interpreted as an indication that the project will have no effect on historic properties. It should be noted that the telecommunications facility is being built without the necessity of a new telecommunications tower, which would most certainly have a much greater environmental effect. Based upon a careful review of the EAF, and the record before us, we conclude that this action will not have an adverse effect on the environment and, accordingly, a negative declaration shall issue.

Turning to the merits of the application, under State law, and the Zoning Ordinance, the criteria for the grant of a special use permit are as follows:

1. The granting of the Special Use Permit is reasonably necessary for the public health or general interest or welfare; and
2. The special use is appropriately located with respect to transportation facilities, water supply; fire and police protection, waste disposal and similar facilities; and
3. The off street parking spaces required for the special use under the Zoning Ordinance are adequate to handle expected public attendance; and
4. Neighborhood character and surrounding property values are reasonably safeguarded; and
5. The special use will not cause undue traffic congestion or create a traffic hazard; and
6. All conditions or standards contained in the Zoning Ordinance for the special use are satisfied; and
7. All governmental authorities having jurisdiction have given necessary approval.

The Board finds that it is in the public interest to grant the requested special use permit. In this day and age, wireless communications are commonplace and, indeed, in many cases, a necessity. So, too, cellular providers have been recognized by the courts as "public utilities". This application is meant to increase the availability of this technology to the public. It is also significant that a minor facility is being sought, which is clearly preferred and in the public interest, due to the lesser environmental concerns.

There are no issues here relating to location in relation to necessary facilities or to public parking, or to traffic. No other government approval is required at this stage. As previously stated, SHPO was notified of this application, and in accordance with its procedures, declined to comment or take any action.

The Board finds that the neighborhood character and property values will not be impacted by the grant of this permit. We note that there are already existing telecommunications antennas on the Church building. The antennas proposed here are not large and are fairly unobtrusive. No one complained at the hearing regarding any impact on community character or property values.

Finally, in accordance with Article VIII, Section 8.B. of the Zoning Ordinance, as amended by Local Law No. 1 for the Year 1999, the Board finds that all necessary documentation has been submitted and the proposed modifications to the bell tower of the church are insignificant.



Accordingly, the requested special use permit is granted with respect to the amended application, as heretofore described, upon the following conditions:

1. All telecommunications support facilities, such as vaults, equipment rooms, utilities and other support structures shall be suitably screened with landscaping. Landscaping shall be added to the northwestern side of the telecommunication support facility. The exact details of the screening are left to the Planning Board to be determined in the course of its site plan review.
2. The height of the security fence around the equipment area shall be eight (8) feet, as required by the Town's telecommunications law, rather than six (6) feet, as proposed.
3. The applicant shall comply in all respects with all terms and conditions of the site plan approval issued by the Planning Board.
4. The applicant, or its agents, successors, etc., shall maintain liability insurance against damage to person or property during the construction and life of this minor personal wireless telecommunications facility with minimum limits of \$1,000,000.00/\$3,000,000.00, which coverage shall name the Town of Brunswick, and its agents, servants, employees and boards, as additional insureds. A certificate of insurance documenting such coverage shall be required prior to the issuance of the permit.

Dated: Brunswick, New York  
January 28, 2008

**617.20**  
**Appendix A**  
**State Environmental Quality Review**  
**FULL ENVIRONMENTAL ASSESSMENT FORM**

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

**DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions**

**Identify the Portions of EAF completed for this project:**

Part 1    Part 2    Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a **negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.** \*
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared.**

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

Omnipoint Communications Site No. 3REA740A Troy Rt 7 East  
 Name of Action

Town of Brunswick  
 Name of Lead Agency

James Hannan  
 Print or Type Name of Responsible Officer in Lead Agency

Chairman  
 Title of Responsible Officer

James Hannan  
 Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
 Signature of Preparer (if different from responsible officer)

Date



7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes  No  
(According to NYS OPRHP, no response within 40 day review period)
8. What is the depth of the water table? (unknown) (in feet)
9. Is site located over a primary, principal, or sole source aquifer?  Yes  No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes  No
11. Does project site contain any species of plant or animal life that are identified as threatened or endangered?  
 Yes  No According to the United States Fish & Wildlife Service and the New York Natural Heritage Program.
- Identify each species \_\_\_\_\_
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)  
 Yes  No Describe \_\_\_\_\_
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?  
 Yes  No If yes, explain. \_\_\_\_\_
14. Does the present site include scenic views known to be important to the community?  
 Yes  No
15. Streams within or contiguous to project area: None  
a. Name of Stream and name of River to which it is tributary \_\_\_\_\_
16. Lakes, ponds, wetland areas within or contiguous to project area: None  
a. Name None b. Size (In acres) \_\_\_\_\_
17. Is the site served by existing public utilities?  Yes  No  
a) If yes, does sufficient capacity exist to allow connection?  Yes  No  
b) If yes, will improvements be necessary to allow connection?  Yes  No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  
 Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  Yes  No
20. Has the site ever been used for the disposal of solid or hazardous wastes?  Yes  No

## B. PROJECT DESCRIPTION

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor 0.007 acres.
- b. Project acreage to be developed: 0.007 acres initially; 0.007 acres ultimately.
- c. Project acreage to remain undeveloped 0 acres.
- d. Length of project, in miles: \_\_\_\_\_ (if appropriate).
- e. If the project is an expansion, indicate percent of expansion proposed NA %.
- f. Number of off-street parking spaces existing NA; proposed NA.
- g. Maximum vehicular trips generated per hour average of once per month (upon completion of project).
- h. If residential, Number and type of housing units:
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  | <u>NA</u>  | <u>NA</u>  | <u>NA</u>       | <u>NA</u>   |
| Ultimately | <u>NA</u>  | <u>NA</u>  | <u>NA</u>       | <u>NA</u>   |
- i. Dimensions (in feet) of largest proposed structure (Fence) 7 height; (Equipment Pad) 10 width; 16 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 0 ft.
2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? 0 tons/cubic yards.
3. Will disturbed areas be reclaimed?  Yes  No  NA  
a. If yes, for what intended purpose is the site being reclaimed? \_\_\_\_\_  
b. Will topsoil be stockpiled for reclamation?  Yes  No  
c. Will upper subsoil be stockpiled for reclamation?  Yes  No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0.0 acres.
5. Will any mature forest (over 100 years old) or other locally important vegetation be removed by this project?  
 Yes  No

6. If single phase project: Anticipated period of construction 2 months.
7. If multi-phased: NOT APPLICABLE
- a. Total number of phases anticipated \_\_\_\_\_ (number).
- b. Anticipated date of commencement phase \_\_\_\_\_ month \_\_\_\_\_ year (including demolition).
- c. Approximate completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year.
- d. Is phase 1 functionally dependent on subsequent phases?  Yes  No
8. Will blasting occur during construction?  Yes  No
9. Number of jobs generated: during construction? 5; after project is complete? 0
10. Number of jobs eliminated by this project? 0
11. Will project require relocation of any projects or facilities?  Yes  No If yes, explain \_\_\_\_\_
12. Is surface liquid waste disposal involved?  Yes  No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount \_\_\_\_\_
- b. Name of water body into which effluent will be discharged \_\_\_\_\_
13. Is subsurface liquid waste disposal involved?  Yes  No Type \_\_\_\_\_
14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No  
Explain \_\_\_\_\_
15. Is project, or any portion of project, located in a 100-year flood plain?  Yes  No
16. Will the project generate solid waste?  Yes  No
- a. If yes, what is the amount per month? \_\_\_\_\_ tons.
- b. If yes, will an existing solid waste facility be used?  Yes  No
- c. If yes, give name \_\_\_\_\_ & location \_\_\_\_\_
- d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No
- e. If yes, explain \_\_\_\_\_
17. Will the project involve the disposal of solid waste?  Yes  No
- a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.
- b. If yes, what is the anticipated site life? \_\_\_\_\_ years.
18. Will project use herbicides or pesticides?  Yes  No
19. Will project routinely produce odors (more than one hour per day)?  Yes  No
20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No
21. Will project result in an increase in energy use?  Yes  No  
If yes, indicate type(s) 200 Amp, 120/240 volt, single phase service
22. If water supply is from wells, indicate pumping capacity NA gallons/minute.
23. Total anticipated water usage per day NA gallons/day.
24. Does project involve Local, State or Federal funding?  Yes  No If yes, explain \_\_\_\_\_

Approvals Required:		Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan Approval	June 2007
City, Town Zoning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Special Use Permit	June 2007
Other Local Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
State Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____

**C. ZONING and PLANNING INFORMATION**

- 1. Does proposed action involve a planning or zoning decision?  Yes  No  
 If yes, indicate decision required:  
 zoning amendment  zoning variance  special use permit  subdivision  site plan  
 new/revision of master plan  resource management plan  other \_\_\_\_\_
- 2. What is the zoning classification(s) of the site? Unknown
- 3. What is the maximum potential development of the site if developed as permitted by the present zoning?  
N/A
- 4. What is the proposed zoning of the site? N/A
- 5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?  
N/A
- 6. Is the proposed action consistent with the recommended uses in adopted local land use plans?  Yes  No
- 7. What are the predominant land use(s) and zoning classifications within a 1/4 mile radius of proposed action?  
Residential
- 8. Is the proposed action compatible with adjoining/surrounding land uses within a 1/4-mile?  Yes  No
- 9. If the proposed action is the subdivision of land, how many lots are proposed? NA  
 a. What is the minimum lot size proposed? \_\_\_\_\_
- 10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No
- 11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?  
 Yes  No  
 a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No
- 12. Will the proposed action result in the generation of traffic significantly above present levels?  Yes  No  
 a. If yes, is the existing road network adequate to handle the additional traffic?  Yes  No

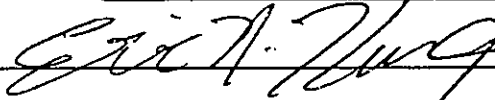
**D. INFORMATIONAL DETAILS**

Attach any additional information as may be needed to clarify your project. If there are, or may be, any adverse impacts associated with your proposal; please discuss such impacts and the measures that you propose to mitigate or avoid them.

**E. VERIFICATION**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Eric N. Kenna, C&S Engineers, Inc. Date 6/14/07  
for Omnipoint Communications, Inc.

Signature  Title Senior Project Engineer

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.









- Construction activity would excavate or compact the soil profile of agricultural land.
- The proposed action would irreversibly convert more than 10 acres of agricultural land or if located in an Agricultural District, more than 2.5 acres of agricultural land.
- The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g., cause a farm field to drain poorly due to increased runoff).
- Other impacts:

### IMPACT ON AESTHETIC RESOURCES

11. Will proposed action affect aesthetic resources?  Yes  No  
(if necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

**Examples** that would apply to column 2

- Proposed land uses, or project components obviously different from, or in sharp contrast to current surrounding land use patterns, whether man-made or natural.
- Proposed land uses, or project components visible to users of aesthetic resources that will eliminate, or significantly reduce, their enjoyment of the aesthetic qualities of that resource.
- Project components that will result in the elimination, or significant screening, of scenic views known to be important to the area.
- Other impacts:

### IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, pre-historic or paleontological importance?  Yes  No (Pending response from NYS OPRHP)

**Examples** that would apply to column 2

- Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.
- Any impact to an archaeological site or fossil bed located within the project site.
- Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.
- Other impacts:

### IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?  Yes  No

**Examples** that would apply to column 2

- The permanent foreclosure of a future recreational opportunity.
- A major reduction of an open space important to the community.
- Other impacts:

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON CRITICAL ENVIRONMENTAL AREAS**

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)?  Yes  No  
 List the environmental characteristics that caused the designation of the CEA.

**Examples that would apply to column 2**

- Proposed Action to locate within the CEA?
- Proposed Action will result in a reduction in the quantity of the resource?
- Proposed Action will result in a reduction in the quality of the resource?
- Proposed Action will impact the use, function or enjoyment of the resource?
- Other impacts:

**IMPACT ON TRANSPORTATION**

15. Will there be an effect to existing transportation systems?  
 Yes  No

**Examples that would apply to column 2**

- Alteration of present patterns of movement of people and/or goods.
- Proposed Action will result in major traffic problems.
- Other impacts:

**IMPACT ON ENERGY**

16. Will proposed action affect the community's sources of fuel or energy supply?  Yes  No

**Examples that would apply to column 2**

- Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.
- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.
- Other impacts:

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

## NOISE AND ODOR IMPACTS

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?       Yes    No

**Examples** that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.
- Odors will occur routinely (more than one hour per day).
- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
- Proposed Action will remove natural barriers that would act as a noise screen.
- Other impacts: \_\_\_\_\_

## IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

Yes    No

**Examples** that would apply to column 2

- Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.).
- Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.
- Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.
- Other Impacts: \_\_\_\_\_

## IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will proposed action affect the character of the existing community?       Yes    No

**Examples** that would apply to column 2

- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed Action will conflict with officially adopted plans or goals.
- Proposed Action will cause a change in the density of land use.
- Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g. schools, police and fire, etc.).
- Proposed Action will set an important precedent for future projects.
- Proposed Action will create or eliminate employment.
- Other impacts: \_\_\_\_\_

1 Small To Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts?

Yes    No

**If any action in Part 2 is identified as a potential large impact, or if you cannot determine the magnitude of impact, proceed to Part 3**

## **Part 3 – EVALUATION OF THE IMPORTANCE OF IMPACTS**

### **Responsibility of Lead Agency**

**Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.**

#### **Instructions**

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project changes(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact.

(Continue on attachments)

## Appendix B

### State Environmental Quality Review

# Visual EAF Addendum

This form may be used to provide additional information relating to Questions 11 of Part 2 of the Full EAF.

(To be completed by Lead Agency)

Visibility	Distance Between Project and Resource (in Miles)				
	0-1/4	1/4-1/2	1/2-3	3-5	5+
1. Would the project be visible from:					
• A parcel of land which is dedicated to and available to the public for the use, enjoyment and appreciation of natural or man-made scenic qualities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• An overlook or parcel of land dedicated to public observation, enjoyment and appreciation of natural or man-made scenic qualities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• A site or structure listed on the National or State Registers of Historic Places?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• State Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• The State Forest Preserve?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• National Wildlife Refuges and state game refuges?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Rivers designated as National or State Wild, Scenic or Recreational?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Any transportation corridor of high exposure, such as part of the Interstate System, or Amtrak?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• A governmentally established or designated interstate or inter-county foot trail, or one formally proposed for establishment or designation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• A site, area, lake, reservoir or highway designated as scenic?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Municipal park, or designated open space?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• County road?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Local road?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the visibility of the project seasonal? (i.e., screened by summer foliage, but visible during other seasons)					
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
3. Are any of the resources checked in question 1 used by the public during the time of year during which the project will be visible?					
<input type="checkbox"/> Yes <input type="checkbox"/> No      Not Applicable					

**DESCRIPTION OF EXISTING VISUAL ENVIROMENT**

4. From each item checked in question 1, check those which generally describe the surrounding environment.

	Within	
	*¼ mile	*1 mile
Essentially undeveloped	<input type="checkbox"/>	<input type="checkbox"/>
Forested	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>
Suburban residential	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>
Urban	<input type="checkbox"/>	<input type="checkbox"/>
River, Lake, Pond	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cliffs, Overlooks	<input type="checkbox"/>	<input type="checkbox"/>
Designated Open Space	<input type="checkbox"/>	<input type="checkbox"/>
Flat	<input type="checkbox"/>	<input type="checkbox"/>
Hilly	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mountainous	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

NOTE: add attachments as needed

5. Are there visually similar projects within:

- \*½ mile       Yes       No
- \*1 miles      Yes       No
- \*2 miles      Yes       No
- \*3 miles      Yes       No

\*Distance from project site is provided for assistance. Substitute other distances as appropriate.

**EXPOSURE**

6. The annual number of viewers likely to observe the proposed project is The annual number of viewers

NOTE: When user data is unavailable or unknown, use best estimate. cannot be estimated

**CONTEXT**

7. The situation or activity in which the viewers are engaged while viewing the proposed action is:

Activity	FREQUENCY			
	Daily	Weekly	Holidays/ Weekends	Seasonally
Travel to and from work	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Involved in recreational activities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Routine travel by residents	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At a residence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At worksite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14-16-1 (Rev.) - Text 12

PROJECT ID. NUMBER

617.20

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT/SPONSOR Robert + Linda Haner		2. PROJECT NAME	
3. PROJECT LOCATION Municipality Brunswick County Renaissance			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 104 Deepkill Rd Tray NY 12180			
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: change classification from a single family to a two family			
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly would need a special use permit			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: single family homes			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(ies) and permit/approval			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name Linda Haner			Date
Signature _____			

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment



PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN § NYCRR, PART 617.47 If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN § NYCRR, PART 617.57 If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)  
 C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  
 NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  
 NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  
 NO

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  
 NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  
 NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.  
 NO

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.  
 NO

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEAT?  
 Yes  No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
 Yes  No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEAT.

- Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination.

TOWN of BRUSWICK ZONING Board of Appeals  
 Name of Lead Agency

THOMAS R. CLIFF  
 Title or Type Name of Responsible Officer in Lead Agency

Secretary / TOWN ATTY  
 Title of Responsible Officer

THOMAS R. CLIFF  
 Signature of Responsible Officer in Lead Agency

2/25/08  
 Date

Signature of Preparer (If different from responsible officer)

Historical Note

Sec. filed March 6, 1987; repealed, new filed Sept. 20, 1995 eff. Jan. 1, 1996.

**TOWN OF BRUNSWICK**  
**ZONING BOARD OF APPEALS**

336 TOWN OFFICE ROAD, TROY, NEW YORK 12180

Phone: (518) 279-3461 -- Fax: (518) 279-4352

DRAFT MINUTES

A Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on February 25, 2008, at 6:00 P.M.

Present at the meeting were: Caroline Trzcinski, Member  
Eric Wohlleber, Sullivan, Member  
E. John Schmidt, Member  
James Hannan, Chairman

Member Shaughnessy was absent. Also present was Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary, and John Kreiger, Superintendent of Utilities and Inspections. At 5:30 P.M., a Workshop Meeting was held wherein the Board Members reviewed files and discussed pending matters informally. The regular meeting was called to order at 6:00 P.M.

The first item of business was approval of the minutes of the January, 2008, meeting. Member Trzcinski made a motion to approve the minutes as submitted. Member Schmidt seconded. The motion carried 4 - 0.

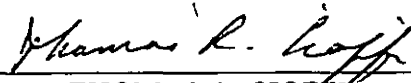
The next item of business was further consideration of the Application for Zoning Permit and Request for a Special Use Permit of ROBERT and LINDA HANER, owners-applicants, dated October 24, 2007, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed conversion of a single family dwelling located at 104 Deepkill Road, in the Town of Brunswick, to a two-family dwelling, because two-family dwellings are allowed only by way of special use permit granted by the Zoning Board of Appeals.

The Chairman stated that the Board Members had before them a draft Determination as well as a Resolution adopting the same. The Decision, in essence, grants the special use permit subject to certain specified conditions. There being no further discussion on the matter, Member Trzcinski offered the Resolution adopting the draft Determination. The Chairman seconded.. The Resolution was put to a roll call vote and all voted in the affirmative. A copy of the Resolution and the Determination are incorporated into these Minutes.

There being no further business, Member Trzcinski made a motion to adjourn. Member Wohlleber seconded. The motion carried 4 - 0.

Dated: Brunswick, N.Y.  
March 7, 2008

Respectfully submitted,

Handwritten signature of Thomas R. Cioffi in cursive script.

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THOMAS R. CIOFFI

Town Attorney - Zoning Board Secretary

**TOWN OF BRUNSWICK  
ZONING BOARD OF APPEALS**

**REGULAR MEETING**

**February 25, 2008**

**RESOLUTION ADOPTING DETERMINATION**

**WHEREAS**, an Application for Zoning Permit and Request for a Special Use Permit of ROBERT HANER and LINDA HANER, owners-applicants, dated October 24, 2007, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed conversion of a single-family dwelling located at 104 Deepkill Road, in the Town of Brunswick, into a two-family dwelling, having been duly filed; and

**WHEREAS**, the matter have duly come on for public hearing; and

**WHEREAS**, the Board having caused to be prepared a written Determination with respect to the said application, which is annexed hereto; now, therefore, after due deliberation

**BE IT RESOLVED**, that the annexed Determination be and hereby is approved and adopted in all respects.

The foregoing Resolution which was offered by Member Trzcinski and seconded by Chairman Hannan, was duly put to a roll call vote as follows:

<b>MEMBER WOHLLEBER</b>	<b>VOTING <u>aye</u></b>
<b>MEMBER SCHMIDT</b>	<b>VOTING <u>aye</u></b>
<b>MEMBER SHAUGHNESSY</b>	<b>VOTING <u>absent</u></b>
<b>MEMBER TRZCINSKI</b>	<b>VOTING <u>aye</u></b>
<b>CHAIRMAN HANNAN</b>	<b>VOTING <u>aye</u></b>

The foregoing Resolution was thereupon declared duly adopted.

Dated: February 25, 2008

TOWN OF BRUNSWICK  
ZONING BOARD OF APPEALS

---

In the Matter of the Application of

DETERMINATION

ROBERT HANER and LINDA HANER,

For the Issuance of a Special Use Permit Under the Zoning  
Ordinance of the TOWN OF BRUNSWICK

---

This matter involves the Application for Zoning Permit and Request for a Special Use Permit of ROBERT HANER and LINDA HANER, owners-applicants, dated October 24, 2007, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed conversion of a single-family dwelling located at 104 Deepkill Road, in the Town of Brunswick, into a two-family dwelling.

The facts are fairly simple. The applicants currently own this home and it is essentially already set up as a two-family dwelling. It is a two story building, with a dwelling unit on each floor. It seems that the applicant's son used to live in one of the units before he moved away. The applicants now want to "legitimize" the structure as a two-family dwelling so that they can offer one unit for rental. Mr. Haner states that he has serious health problems and that they need the money. In the alternative, Mr. Haner states that he may come to need in-home health care and that one dwelling unit can be used by the health care worker.

The lot is about one acre in size, and the structure is set back far from Deepkill Road, toward the rear of the lot. The lots on either side are one acre and two acres, respectively, and the closest home is about 125 feet away from the Haner's structure. Although notices of the public hearing were sent out to all adjoining property owners, and the notice was published in the Town's official newspaper, no one from the public appeared or commented at either session of the public hearing.

The Board hereby classifies this matter an unlisted action under SEQRA. The Board has reviewed Part 1 of the short form EAF submitted by the applicant as well as Part 2 of the EAF prepared at the behest of this Board. No adverse environmental impacts would result from this proposal, if it is allowed to proceed. Based upon a careful review of the EAF, and the record before us, we conclude that this action will not have an adverse effect on the environment and, accordingly, a negative declaration shall issue. Copies of Part 1 and 2 of the EAF, and the Negative Declaration,

are annexed hereto.

Under the Town Zoning Ordinance, two family dwellings and multiple dwellings are allowed in any zoning district but only by way of special use permit issued by the Zoning Board of Appeals. Turning to the merits of the application, under State law, and the Zoning Ordinance, the general criteria for the grant of a special use permit are as follows:

1. The granting of the Special Use Permit is reasonably necessary for the public health or general interest or welfare; and
2. The special use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities; and
3. The off street parking spaces required for the special use under the Zoning Ordinance are adequate to handle expected public attendance; and
4. Neighborhood character and surrounding property values are reasonably safeguarded; and
5. The special use will not cause undue traffic congestion or create a traffic hazard; and
6. All conditions or standards contained in the Zoning Ordinance for the special use are satisfied; and
7. All governmental authorities having jurisdiction have given necessary approval.

The Board finds that there will be no adverse impacts on the public health, general interest or welfare if this application is granted. We note that the proposed structure is located well back from the road, toward the very rear of the lot. Although the predominant use in the neighborhood is single family residential, this structure does not stand out or appear as anything other than that. The adjoining lots are fairly good-sized, and the neighboring houses are a good distance away. The proposed use should not have any impact on the neighboring properties which has not already existed in the past, when an adult son lived there in one of the units.

There are no issues here relating to location in relation to necessary facilities or as to parking. As stated, the structure is located far back from the road. There is plenty of room for off-street parking.

The Board finds that the neighborhood character and property values will not be impacted

by the grant of this permit. As previously stated, the structure does not stand out as a two-family dwelling. The fact that it is a two family home will not diminish the rural character of the area. The property is owner-occupied and it is therefore less likely to develop the more undesirable characteristics of property that consists solely of rental units. There will be no effect on community character or property values should this use be allowed.

Granting this application will have virtually no impact on traffic conditions. At worst, this proposal will add one more family to the neighborhood, which would add, perhaps, one or two additional cars. Deepkill Road is a rural county road. There is no traffic congestion on the road.

There are no additional standards prescribed in the Zoning Ordinance for a two family dwelling.

Accordingly, the requested special use permit to permit the structure located at 104 Deepkill Road to be used as a two-family dwelling be and hereby is granted on the following conditions:

1. that the structure shall, at all times, be owner-occupied; and
2. no sign or other depiction shall be placed on the property or structure identifying the same as a two-family dwelling.

Dated: Brunswick, New York  
February 25, 2008

**TOWN OF BRUNSWICK**  
**ZONING BOARD OF APPEALS**

336 TOWN OFFICE ROAD, TROY, NEW YORK 12180

Phone: (518) 279-3461 -- Fax: (518) 279-4352

DRAFT MINUTES

A Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on April 21, 2008, at 6:00 P.M.

Present at the meeting were: Caroline Trzcinski, Member  
Eric Wohlleber, Member  
E. John Schmidt, Member  
James Shaughnessy, Member  
James Hannan, Chairman

Also present was Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary, and John Kreiger, Code Enforcement Officer. At 5:30 P.M., a Workshop Meeting was held wherein the Board Members reviewed files and discussed pending matters informally. The regular meeting was called to order at 6:00 P.M.

The first item of business was approval of the minutes of the February, 2008, meeting. Two corrections were noted. Member Wohlleber's name was incorrectly stated in the appearances. Also, in the second to last paragraph of the minutes, first line, "Bard" should be "Board". Member Shaughnessy made a motion to approve the minutes as corrected. Member Wohlleber seconded. The motion carried 5 - 0.

The next item of business was the appeal and petition of MICHAEL LaBELLE, owner-applicant, dated March 26, 2008, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a swimming pool on a lot located at 24 Packer Avenue, in the Town of Brunswick, because the construction violates the rear yard setback in an R-9 District in that 20 feet is required but 14 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Michael LaBelle appeared. He stated that with the back deck, his lot is 4 feet to short for the pool he wants. It is an 18' round above-ground pool. His neighbors yard abuts the rear of his property. His neighbor's house, itself, is a fair distance from the property line. Member Schmidt said he visited the site and could see where he was having a problem. He has no problem with the variance. There were no other comments from the Board. No one from the public wished to comment.

Member Shaughnessy amde a motion to classify the matter a Type 2 action under SEQRA. Member Schmidt seconded. The motion carried 5 - 0. Member Schmidt offered a Resolution granting the variance as requested. Member Schmidt seconded. The Resolution carried 5 - 0.



It was noted that the next meeting will be held on May 19, 2008.

There being no further business, Member Trzcinski made a motion to adjourn. Member Wohlleber seconded. The motion carried 5 - 0.

Dated: Brunswick, N.Y.  
April 26, 2008

Respectfully submitted,



THOMAS R. CIOFFI

Town Attorney - Zoning Board Secretary

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 21st day of April, 2008, at 6:00 P.M., at the Town Office Building located at 336 Town Office Road in the Town of Brunswick, on the appeal and petition of MICHAEL LaBELLE, owner-applicant, dated March 26, 2008, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a swimming pool on a lot located at 24 Packer Avenue, in the Town of Brunswick, because the construction violates the rear yard setback in an R-9 District in that 20 feet is required but 14 feet is proposed.

FURTHER NOTICE IS HEREBY GIVEN that said MICHAEL LaBELLE, owner- applicant, has petitioned for said area variance, and said appeal and petition are now on file in the Office of the Superintendent of Utilities and Inspections, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
April 1, 2008

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
\_\_\_\_\_  
THOMAS R. CIOFFI  
Town Attorney

**TOWN OF BRUNSWICK**  
**ZONING BOARD OF APPEALS**

336 TOWN OFFICE ROAD, TROY, NEW YORK 12180

Phone: (518) 279-3461 -- Fax: (518) 279-4352

**DRAFT MINUTES**

A Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on May 19, 2008, at 6:00 P.M.

Present at the meeting were: Caroline Trzcinski, Member  
Eric Wohlleber, Member  
E. John Schmidt, Member  
James Shaughnessy, Member  
James Hannan, Chairman

Also present was Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary, and John Kreiger, Code Enforcement Officer. At 5:30 P.M., a Workshop Meeting was held wherein the Board Members reviewed files and discussed pending matters informally. The Regular Meeting was called to order at 6:00 P.M.

The first item of business was approval of the minutes of the April, 2008, meeting. Member Trzcinski made a motion to approve the minutes as submitted. Member Shaughnessy seconded. The motion carried 5 - 0.

The next item of business was the appeal and petition of WILLIAM and MARY LOU FOLEY, owners-applicants, dated April 23, 2008, for area variances, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an attached garage on a lot located at 10 Walter Road, in the Town of Brunswick, because the construction violates the front yard setback in an R-15 District in that 35 feet is required but 19 feet is proposed, and also violates the side yard setback in an R-15 District in that 15 feet is required but 12 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Henry Reiser, Reiser Builders, 595 Brunswick Road, appeared for the applicant. The Foleys want to build a 14' x 22' garage. They have lived there for some 60 years. At present, they have to drive around the house to drive into the garage, which is in the basement of the house. Then, they have to go up 13 or 14 steps to get into the house. They want to add an attached garage to make it easier on them. He also stated that they will fix the basement steps and bring in fill to raise the ground level. The driveway at the rear of the house will be seeded with grass. The existing garage in the basement will be used for storage. Mr. Reiser handed up a written statement from several adjoining property owners indicating that they did not object to the application. Member Wohlleber inquired about the amount of fill and how it would affect drainage. Mr. Reiser stated that not that much fill will be brought in. It will not affect existing drainage patterns. Seeding the driveway will also improve the drainage.

Everett Keefer, 12 Walter Road, stated that he opposes the application. The Foley house is on a corner lot, and the proposed construction will impair his view. The garage will extend out too far and will affect site distance. It will be dangerous to pull out of his driveway. The Foleys complained 5 years ago when he parked his camper on his property. The garage will stick out more than his camper did.

The Chairman stated that he wants more information on the drainage. He also asked whether the garage could be moved farther to the rear of the lot. Mr. Reiser stated that the site distance would be fine. It is a slow traffic road. Mr. Keefer's prior dispute with the Foleys should not affect this application. The Chairman asked Mr. Kreiger to investigate the drainage and site distance issues. Mr. Reiser agreed to stake the location of the garage so that Mr. Kreiger and the Board Members could look for themselves.

Member Shaughnessy said that he sees Mr. Keefer's point. It is a 50% reduction in the mandated setback. It is a tight spot, and site distance is an important concern. They should consider moving the garage back some. Mr. Reiser said they could make the garage a little smaller, say 14' x 20'. But that would be about it. Member Schmidt asked that Mr. Reiser also stake where the fill will go. Mr. Reiser said that he will not really be changing the grading or the drainage. The water will flow the same as it does now. He will put a gutter on the garage which will carry water off to the rear. Member Schmidt said he would like to see it on paper.

Mr. Keefer said that right now, all of the houses are in line. This will stick out a lot farther and ruin the view. The Foleys have a lot of land they can build on. Mr. Reiser said they do have a lot of property, but it is too low, which would defeat the purpose. Also, there are some buildings in the neighborhood that are even closer to the road. Mr. Reiser stated that the garage will have 10 foot walls, and it will be 14' to the peak of the roof.

Member Wohlleber made a motion to continue the public hearing to June 16. Member Schmidt seconded. The motion carried 5 - 0.

The next item of business was the appeal and petition of JOHN GAROSAL, owner-applicant, dated April 23, 2008, for area variances, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a detached garage on a lot located at 134 Oneida Avenue, in the Town of Brunswick, because the construction violates the front yard setback in an R-9 District in that 60 feet is required but 40 feet is proposed, and also violates the side yard setback for a corner lot in an R-9 District in that 60 feet is required but 30 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

The applicant did not appear. Roseanne Baxter, 30 Norfolk Street, stated that she is not sure where, exactly, the garage is proposed to be built. They already have a garage attached to the house. They never even have anything in the garage. Robin Downey, 130 Oneida Avenue, also expressed concern about the application. Member Shaughnessy stated that he understands their concerns. The request is essentially to reduce the setback by half. It is a sharp corner. Mrs. Baxter agreed. The road is used like a highway to avoid traffic on Route 7. Also, she stated, vehicles are parked all over the lot. The Chairman stated that the Board would put the matter over to the next meeting. If Mr. Garosal does not appear, the application will be dismissed. Member Trzcinski made a motion to

continue the public hearing to June 16. Member Wohlleber seconded. The motion carried 5 - 0.

There being no further business, Member Shaughnessy made a motion to adjourn. Member Schmidt seconded. The motion carried 5 - 0.

Dated: Brunswick, N.Y.

June 9, 2008

Respectfully submitted,

A handwritten signature in cursive script, reading "Thomas R. Cioffi", is written over a horizontal line.

THOMAS R. CIOFFI

Town Attorney - Zoning Board Secretary

NOTICE OF PUBLIC HEARING

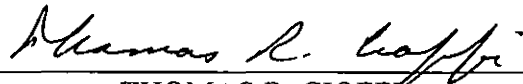
NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 19th day of May, 2008, at 6:00 P.M., at the Town Office Building located at 336 Town Office Road in the Town of Brunswick, on the appeal and petition of JOHN GAROSSO, owner-applicant, dated April 23, 2008, for area variances, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a detached garage on a lot located at 134 Oneida Avenue, in the Town of Brunswick, because the construction violates the front yard setback in an R-9 District in that 60 feet is required but 40 feet is proposed, and also violates the side yard setback for a corner lot in an R-9 District in that 60 feet is required but 30 feet is proposed.

FURTHER NOTICE IS HEREBY GIVEN that said JOHN GAROSSO, owner-applicant, has petitioned for said area variance, and said appeal and petition are now on file in the Office of the Code Enforcement Officer, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
April 26, 2008

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK



THOMAS R. CIOFFI

Town Attorney

## NOTICE OF PUBLIC HEARING


NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 19th day of May, 2008, at 6:00 P.M., at the Town Office Building located at 336 Town Office Road in the Town of Brunswick, on the appeal and petition of WILLIAM and MARY LOU FOLEY, owners-applicants, dated April 23, 2008, for area variances, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an attached garage on a lot located at 10 Walter Road, in the Town of Brunswick, because the construction violates the front yard setback in an R-15 District in that 35 feet is required but 19 feet is proposed, and also violates the side yard setback in an R-15 District in that 15 feet is required but 12 feet is proposed.

FURTHER NOTICE IS HEREBY GIVEN that said WILLIAM and MARY LOU FOLEY, owners- applicants, have petitioned for said area variances, and said appeal and petition are now on file in the Office of the Code Enforcement Officer, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
April 26, 2008

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
\_\_\_\_\_  
THOMAS R. CIOFFI  
Town Attorney

**TOWN OF BRUNSWICK**  
**ZONING BOARD OF APPEALS**

336 TOWN OFFICE ROAD, TROY, NEW YORK 12180

Phone: (518) 279-3461 -- Fax: (518) 279-4352

**DRAFT MINUTES**

A Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on June 16, 2008, at 6:00 P.M.

Present at the meeting were: Caroline Trzcinski, Member  
Eric Wohlleber, Member  
E. John Schmidt, Member  
James Shaughnessy, Member  
James Hannan, Chairman

Also present was Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary, and John Kreiger, Code Enforcement Officer. At 5:30 P.M., a Workshop Meeting was held wherein the Board Members reviewed files and discussed pending matters informally. The Regular Meeting was called to order at 6:00 P.M.

The first item of business was approval of the minutes of the May, 2008, meeting. Member Trzcinski made a motion to approve the minutes as submitted. Member Wohlleber seconded. The motion carried 5 - 0.

The next item of business was further consideration of the appeal and petition of WILLIAM and MARY LOU FOLEY, owners-applicants, dated April 23, 2008, for area variances, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an attached garage on a lot located at 10 Walter Road, in the Town of Brunswick, because the construction violates the front yard setback in an R-15 District in that 35 feet is required but 19 feet is proposed, and also violates the side yard setback in an R-15 District in that 15 feet is required but 12 feet is proposed.

Henry Reiser, Reiser Builders, 595 Brunswick Road, appeared for the applicant. Based on comments made by the Board and the adjoining owner, Mr. Keefer, at the last meeting, he put together a revised site plan, which he submitted to the Chairman. Mr. Reiser stated that the revised plan moves the proposed garage 8 ½ feet back on the lot, which obviates any front setback problem and the need for a front yard variance. However, he stated, in order to do so, he had to move the proposed garage closer to Mr. Keefer's house on the side. They are now looking for a side yard setback, only, of about 5 feet. Attorney Cioffi said that is a problem. Although the applicants requested a side yard variance, they requested a setback of 12 feet, not 5. The Board cannot grant a larger variance that stated in the hearing notice.

Everett Keefer, 12 Walter Road, stated that he is not that happy with the proposal but he likes



it better than the original proposal. He stated that Mr. Reiser agreed to put a swale on his property, which would assist in the drainage. Mr. Reiser said that there is an existing swale on Mr. Keefer's property, he just agreed to make it bigger. Mr. Keefer said he wants to be reasonable, but also wants to protect his property. He asked the Board whether it felt that the swale on his property would guarantee that he would not have any drainage problems. Attorney Cioffi stated that the Board could make no such assurances, and the arrangements for the swale were between him and Mr. Reiser.

The Chairman stated that the Board would re-notice the public hearing for a single variance for the side yard, at 5 feet. The public hearing was put over to the July 21, 2008, meeting.

The next item of business was the appeal and petition of JOHN GAROSAL, owner-applicant, dated April 23, 2008, for area variances, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a detached garage on a lot located at 134 Oneida Avenue, in the Town of Brunswick, because the construction violates the front yard setback in an R-9 District in that 60 feet is required but 40 feet is proposed, and also violates the side yard setback for a corner lot in an R-9 District in that 60 feet is required but 30 feet is proposed.

The applicant did not appear, and there was no appearance on his behalf. This matter had been put over from the May meeting due to Mr. Garosal's non-appearance, with the understanding that the application would be dismissed if he failed to attend a second time. Accordingly, Member Trzcinski made a motion to dismiss the application. Member Shaughnessy seconded. The motion carried 5 - 0.

There being no further business, Member Wohlleber made a motion to adjourn. Member Shaughnessy seconded. The motion carried 5 - 0.

Dated: Brunswick, N.Y.  
July 5, 2008

Respectfully submitted,



THOMAS R. CIOFFI

Town Attorney - Zoning Board Secretary

**TOWN OF BRUNSWICK**  
**ZONING BOARD OF APPEALS**

336 TOWN OFFICE ROAD, TROY, NEW YORK 12180

Phone: (518) 279-3461 -- Fax: (518) 279-4352

DRAFT MINUTES

A Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on July 21, 2008, at 6:00 P.M.

Present at the meeting were: Caroline Trzcinski, Member  
Eric Wohlleber, Member  
E. John Schmidt, Member  
James Shaughnessy, Member  
James Hannan, Chairman

Also present was Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary, and John Kreiger, Code Enforcement Officer. At 5:30 P.M., a Workshop Meeting was held wherein the Board Members reviewed files and discussed pending matters informally. The Regular Meeting was called to order at 6:00 P.M.

The first item of business was approval of the minutes of the June, 2008, meeting. Member Trzcinski made a motion to approve the minutes as submitted. Member Shaughnessy seconded. The motion carried 5 - 0.

The next item of business was further consideration of the appeal and petition of WILLIAM and MARY LOU FOLEY, owners-applicants, dated April 23, 2008, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an attached garage on a lot located at 10 Walter Road, in the Town of Brunswick, because the construction violates the side yard setback in an R-15 District in that 15 feet is required but 5 feet is proposed.

Mrs. Foley appeared and stated that Henry Reiser, Reiser Builders, her builder, was unable to attend. There was a discussion among the Board regarding how the matter was left at the last meeting. The consensus was that Mr. Reiser was supposed to have gotten an engineer to look at the situation and give a written opinion as to whether drainage in the area would be adversely affected if the construction was to go forward. Everett Keefer, the adjoining owner, said that he wants something in writing stating that the drainage onto his property will not be negatively affected by the construction, so he can rely on it. The Chairman made a motion to continue the public hearing to the August 18 meeting for Mr. Reiser to provide the engineering letter. Member Wohlleber seconded. The motion carried 5 - 0.

The next item of business was the appeal and petition of PHILIP and NOREEN LAJEUNESSE, owners-applicants, dated June 6, 2008, for an area variance, pursuant to the Zoning

Ordinance of the Town of Brunswick, in connection with the proposed construction of a carport/storage area/workshop on a lot located at 3305 NY Route 2, Cropseyville, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-15 District in that 15 feet is required but 12 feet is proposed.

The notice was not read. The Board noted that the applicants appeared prior to the meeting and reported that a recent survey disclosed that the proposed construction actually encroaches on the adjoining property of Andrew Grimm. They therefore asked to withdraw the application and stated they would re-file after the property line issue was resolved. Andrew Grimm, 3815 NY2, the adjoining owner, confirmed that his recent survey of his land disclosed that construction already begun by the applicant encroaches on his property. The Chairman stated that the Board would not be acting on the application.

There being no further business, Member Wohlleber made a motion to adjourn. Member Shaughnessy seconded. The motion carried 5 - 0.

Dated: Brunswick, N.Y.  
August 2, 2008

Respectfully submitted,



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THOMAS R. CIOFFI

Town Attorney - Zoning Board Secretary

NOTICE OF PUBLIC HEARING

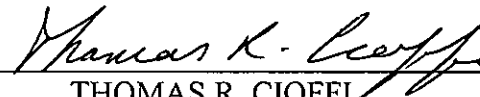
NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 16th day of July, 2008, at 6:00 P.M., at the Town Office Building located at 336 Town Office Road in the Town of Brunswick, on the appeal and petition of PHILIP and NOREEN LAJEUNESSE, owners-applicants, dated June 6, 2008, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a carport/storage area/workshop on a lot located at 3305 NY Route 2, Cropseyville, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-15 District in that 15 feet is required but 12 feet is proposed.

FURTHER NOTICE IS HEREBY GIVEN that said PHILIP and NOREEN LAJEUNESSE, owners- applicants, has petitioned for said area variance, and said appeal and petition are now on file in the Office of the Code Enforcement Officer, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
June 30, 2008

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK



---

THOMAS R. CIOFFI  
Town Attorney

NOTICE OF PUBLIC HEARING


NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 16th day of July, 2008, at 6:00 P.M., at the Town Office Building located at 336 Town Office Road in the Town of Brunswick, on the appeal and petition of WILLIAM and MARY LOU FOLEY, owners-applicants, dated April 23, 2008, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an attached garage on a lot located at 10 Walter Road, in the Town of Brunswick, because the construction violates the side yard setback in an R-15 District in that 15 feet is required but 5 feet is proposed.

FURTHER NOTICE IS HEREBY GIVEN that said WILLIAM and MARY LOU FOLEY, owners- applicants, have petitioned for said area variance, and said appeal and petition are now on file in the Office of the Code Enforcement Officer, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
June 30, 2008

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
\_\_\_\_\_  
THOMAS R. CIOFFI  
Town Attorney

**TOWN OF BRUNSWICK**  
**ZONING BOARD OF APPEALS**

336 TOWN OFFICE ROAD, TROY, NEW YORK 12180

Phone: (518) 279-3461 -- Fax: (518) 279-4352

DRAFT MINUTES

A Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on August 18, 2008, at 6:00 P.M.

Present at the meeting were: Eric Wohlleber, Member  
E. John Schmidt, Member  
James Shaughnessy, Member  
James Hannan, Chairman

Member Trzcinski was absent. Also present was Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary, and John Kreiger, Code Enforcement Officer. At 5:30 P.M., a Workshop Meeting was held wherein the Board Members reviewed files and discussed pending matters informally. The Regular Meeting was called to order at 6:00 P.M.

The first item of business was approval of the minutes of the July, 2008, meeting. Member Shaughnessy made a motion to approve the minutes as submitted. Member Schmidt seconded. The motion carried 4 - 0.

The next item of business was further consideration of the appeal and petition of WILLIAM and MARY LOU FOLEY, owners-applicants, dated April 23, 2008, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of an attached garage on a lot located at 10 Walter Road, in the Town of Brunswick, because the construction violates the side yard setback in an R-15 District in that 15 feet is required but 5 feet is proposed. The Chairman acknowledged receipt of a report from Harold Berger, P.E., dated August 2, 2008, regarding the drainage issue. The report indicated that the concept of employing roof gutter to concentrate the roof runoff and the installation of a swale along the property line between the Foley property and the adjoining Keefer property, will enable runoff to be diverted from the Keefer property and to remain on the Foley property, to the rear. The report concluded that, if those steps were taken, the Keefer property would not be affected in any way by the improvements being made on the Foley property. The Chairman questioned why Mr. Reiser had not provided the report to Mr. Keefer in advance of the meeting. Mr. Reiser said he tried to drop it off at the Keefer home, but no one was there. He said he did not want to just leave it in the mailbox. The Chairman said he was concerned because Mr. Keefer could have had an opportunity to review and consider the report in advance of the meeting. Mr. Keefer said he notes that the engineering report indicates that some runoff would flow to the front of the Foley parcel. He is concerned about that. There was a discussion between Mr. Keefer and Mr. Reiser about the drainage. Member Shaughnessy made a motion to grant a 10 minute recess so that Mr. Keefer and Mr. Reiser could discuss the issue. The motion carried 4 - 0.

After the recess, Mr. Keefer stated that he reviewed the report and that he did not have a problem with the construction as proposed so long as Mr. Reiser does as he says he will do. Mr. Reiser stated he also provided Mr. Keefer with a letter reiterating what the engineer stated. He handed a copy up to the Chairman, who read it aloud. Mr. Reiser agreed in the letter to repair all damaged areas and construct the swale to the engineer's specifications. Member Shaughnessy said he feels that the engineering report is sufficient to move the matter forward. Member Schmidt asked Mr. Reiser if he would fix it if there was a problem with the drainage. Mr. Reiser stated that he would. Member Wohlleber asked about the runoff to the front of the Foley lot. Mr. Reiser explained that in paving the driveway as planned, some water will run off toward the the road and the town ditch line. This happens whenever a driveway is built.

Member Shaughnessy made a motion to classify the matter a Type 2 action under SEQRA. Member Schmidt seconded. The motion carried 4 - 0. The Chairman then offered a Resolution granting the variance as requested. Member Shaughnessy seconded. Members Shaughnessy and Schmidt voted in the affirmative and the Chairman and Member Wohlleber voted in the negative. The Resolution did not carry.

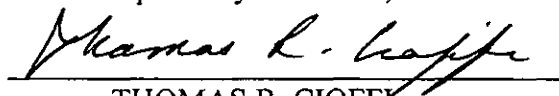
After some further discussion, Member Schmidt offered a Resolution granting the variance to the extent that the side yard setback would be reduced from 15 feet to 5 feet on the following conditions: (1) that the swale to be constructed for drainage purposes will be at least 12 inches deep and 24 inches wide, and wholly contained on the Foley property; and (2) that Reiser Bros., Inc., will guarantee in writing to Everett Keefer that the swale will work as intended and that he will make any necessary repairs to the swale in a timely fashion. Member Shaughnessy seconded. The matter was put to a roll call vote and all members present voted in the affirmative.

The only other matter on the agenda was the appeal and petition of JOHN GAROSAL, owner-applicant, dated April 23, 2008, for area variances, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a detached garage on a lot located at 134 Oneida Avenue, in the Town of Brunswick, because the construction violates the front yard setback in an R-9 District in that 60 feet is required but 40 feet is proposed, and also violates the side yard setback for a corner lot in an R-9 District in that 60 feet is required but 30 feet is proposed. The applicant did not appear. The Board noted that the applicant brought an identical application a few months ago and did not appear then either. The Board put the matter over to the next meeting.

There being no further business, Member Wohlleber made a motion to adjourn. Member Shaughnessy seconded. The motion carried 4 - 0.

Dated: Brunswick, N.Y.  
September 5, 2008

Respectfully submitted,



THOMAS R. CIOFFI

Town Attorney - Zoning Board Secretary

NOTICE OF PUBLIC HEARING

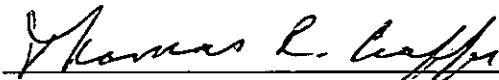
NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 18th day of August, 2008, at 6:00 P.M., at the Town Office Building located at 336 Town Office Road in the Town of Brunswick, on the appeal and petition of JOHN GAROSAL, owner-applicant, dated April 23, 2008, for area variances, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a detached garage on a lot located at 134 Oneida Avenue, in the Town of Brunswick, because the construction violates the front yard setback in an R-9 District in that 60 feet is required but 40 feet is proposed, and also violates the side yard setback for a corner lot in an R-9 District in that 60 feet is required but 30 feet is proposed.

FURTHER NOTICE IS HEREBY GIVEN that said JOHN GAROSAL, owner-applicant, has petitioned for said area variance, and said appeal and petition are now on file in the Office of the Code Enforcement Officer, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
August 2, 2008

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
\_\_\_\_\_  
THOMAS R. CIOFFI  
Town Attorney



**TOWN OF BRUNSWICK**  
**ZONING BOARD OF APPEALS**

336 TOWN OFFICE ROAD, TROY, NEW YORK 12180

Phone: (518) 279-3461 -- Fax: (518) 279-4352

DRAFT MINUTES

A Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on September 15, 2008, at 6:00 P.M.

Present at the meeting were: Eric Wohlleber, Member  
E. John Schmidt, Member  
Caroline Trzcinski, Member  
James Hannan, Chairman

Member Shaughnessy was absent. Also present was Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary. Code Enforcement Officer Kreiger was absent. At 5:30 P.M., a Workshop Meeting was held wherein the Board Members reviewed files and discussed pending matters informally. The Regular Meeting was called to order at 6:00 P.M.

The first item of business was approval of the minutes of the August, 2008, meeting. Member Trzcinski made a motion to approve the minutes as submitted. Member Wohlleber seconded. The motion carried 4 - 0.

The next item of business was the appeal and petition of PHILIP and NOREEN LAJEUNESSE, owners-applicants, dated June 6, 2008, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a carport/storage area/workshop on a lot located at 3805 NY Route 2, Cropseyville, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-15 District in that 15 feet is required but 12 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Philip and Noreen Lajeunesse appeared. Mr. Lajeunesse stated that his property dispute with his neighbor is ongoing, so in order to proceed with his plans, he has removed the carport portion from the proposed structure and has moved the structure closer to his house. Now the structure is proposed to be 16' x 34'. Before it was 28' x 34'. Mr Lajeunesse stated that he is operating from the property line shown on the survey obtained from his neighbor. He is asking for a side setback of 6' off that line.

Attorney Cioffi pointed out that the published Notice stated a proposed side setback of 12'. Mr. Lajeunesse stated that he gave Mr. Kreiger updated plans depicting a proposed side setback of 6'. Neither Attorney Cioffi nor the Board received those plans and in Mr. Kreiger's absence, the Board could not inquire into what had occurred. Mr. Lajeunesse handed up the proposed plans for review by the Board. Attorney Cioffi stated that the matter would have to be re-noticed.

Andy Grimm, 3815 NY Route 2, stated that he is the neighbor on the west side. He had a survey completed in July, 2008. It superseded one done in 1971. Mrs. Lajeunesse said that they believe that the markers between the property were moved and that it is reason the line is being disputed despite the survey. Mr. Lajeunesse said that he is not here tonight to discuss the property line dispute. He is asking for a variance based on the line shown on Mr. Grimm's survey. Mr. Grimm said that he is opposed to the 6' setback being requested. He would agree to 10' or 12'. Mr. Lajeunesse said he cannot do that on account of the placement of their septic system. Mrs. Lajeunesse said that 6' is enough of a setback. Mr. Grimm said that the law provides for 15' setback for a reason. Member Wohlleber said going from 15' to 6' is a large variance.

The Board put the matter over to the October 20 meeting so the matter can be properly noticed.

The only other matter on the agenda was the appeal and petition of JOHN GAROSAL, owner-applicant, dated April 23, 2008, for area variances, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a detached garage on a lot located at 134 Oneida Avenue, in the Town of Brunswick, because the construction violates the front yard setback in an R-9 District in that 60 feet is required but 40 feet is proposed, and also violates the side yard setback for a corner lot in an R-9 District in that 60 feet is required but 30 feet is proposed. The applicant did not appear. This was the second consecutive no-show by Mr. Garosal. Member Wohlleber made a motion to deny the variance and close the matter. Member Trzcinski seconded. The motion carried 4 - 0.

There being no further business, Member Trzcinski made a motion to adjourn. Member Wohlleber seconded. The motion carried 4 - 0.

Dated: Brunswick, N.Y.  
September 29, 2008

Respectfully submitted,



THOMAS R. CIOFFI

Town Attorney - Zoning Board Secretary

**TOWN OF BRUNSWICK**  
**ZONING BOARD OF APPEALS**

336 TOWN OFFICE ROAD, TROY, NEW YORK 12180

Phone: (518) 279-3461 -- Fax: (518) 279-4352

**DRAFT MINUTES**

A Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on October 20, 2008, at 6:00 P.M.

Present at the meeting were: Eric Wohlleber, Member  
E. John Schmidt, Member  
Caroline Trzcinski, Member  
James Shaughnessy, Member  
James Hannan, Chairman

Also present was Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary, and Code Enforcement Officer John Kreiger. At 5:30 P.M., a Workshop Meeting was held wherein the Board Members reviewed files and discussed pending matters informally. The Regular Meeting was called to order at 6:00 P.M.

The first item of business was approval of the minutes of the September, 2008, meeting. Member Trzcinski made a motion to approve the minutes as submitted. Member Wohlleber seconded. The motion carried 5 - 0.

The next item of business was the appeal and petition of PHILIP and NOREEN LAJEUNESSE, owners-applicants, dated June 6, 2008, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a carport/storage area/workshop on a lot located at 3805 NY Route 2, Cropseyville, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-15 District in that 15 feet is required but 6 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Philip and Noreen Lajeunesse appeared. Mr. Lajeunesse stated he is proposing to build 6 feet off the property line shown on the survey obtained by his neighbor, Mr. Grimm. Andy Grimm, 3815 NY 2, stated that he owns the adjoining property on the side Mr. Lajeunesse wants to build. He stated that on Friday, October 10, he found the boundary marker stakes that were placed when he obtained the survey had been pulled out. The markers were left on the ground 5 or 6 feet west of the survey line. He does not know who moved the markers. He feels that there needs to be a resolution as to the property line between his land and that of Lajeunesse, before any variance should be considered. He feels that Mr. Lajeunesse should obtain a survey and then the two surveyors could agree on the property line. He feels Mr. Lajeunesse is not acting in good faith because after he showed him the surveyed line, he parked his camper over the property line. He believes the property line is now in doubt even in spite of the survey because the corner stake has been removed. He will have to have the surveyor come back to relocate the stake. Finally, he stated that Mr. Lajeunesse has

a lot of property at the rear and to the south of the property line on which he can build. He does not need to build on the west side.

Mr. Lajeunesse replied that Mr. Grimm rarely stays at the property. He lives in Albany. He said that he has no idea what happened to the boundary markers. Mrs. Lajeunesse added that Mr. Grimm accused them of removing the markers. Mr. Lajeunesse said they want to build 6' ½" off the property line shown on Mr. Grimm's survey. For the purpose of the variance application, they are accepting the line shown on the Grimm survey. However, they reserve the right to challenge the line in another forum. If it is ultimately determined that the line shown on the Grimm survey is incorrect, the distance of the building from the actual property line can only increase. Mrs. Lajeunesse stated that Mr. Grimm wanted to put up a string line running the entire property line. She is concerned about her children being "clotheslined". Also, she stated they are unable to build elsewhere on their property.

The Board then reviewed the Grimm survey. After consulting with Mr. Kreiger, the Board concluded that it could be determined from the survey where the property line is in relation to any structure being built.

Member Schmidt said that since the property line can be ascertained from the Grimm survey, which the Lajeunesses are accepting for the purposes of this application, the Board can move forward and consider the variance. Mr. Grimm objected, stating that the Lajeunesses continue to dispute the line. Member Schmidt stated that the underlying property line dispute is between the two parties, and that the Board cannot resolve it. The Board is being asked to work off Grimm's survey. Mr. Grimm noted that the setback distance from the property line must include any overhang on the building.

Member Shaughnessy made a motion to go into private session to ask Attorney Cioffi some legal questions. Member Wohlleber seconded. The motion carried 5 - 0. After a brief private session at which no action was taken, Member Wohlleber made a motion to return to regular session. Member Shaughnessy seconded. The motion carried 5 - 0.

Mr. Grimm stated that he would be dissatisfied with anything less than a 10 foot setback. Mr. Lajeunesse stated that they are asking for 6 feet. He noted that there are two structures right in the vicinity, a barn on Mr. Grimm's property and a shed on the property to the front of his lot, which are less than 10 feet from the property line.

Member Schmidt then made a motion to close the public hearing. Member Wohlleber seconded. The motion carried 5 - 0. Member Trzcinski made a motion to classify the matter a Type 2 action under SEQRA. Member Wohlleber seconded. The motion carried 5 - 0. Then the Board considered the statutory criteria for granting area variances.

The first criterion is whether granting the variance would change the character of the community. The Board concluded it would not, because there are already two buildings in the immediate vicinity which violate the setback.

The second criterion is whether there is a viable alternative to the proposal which does not

require the granting of a variance. The Chairman asked Mr. Kreiger whether the Lajeunesses could realistically build elsewhere on the property. Mr. Kreiger noted that there is a septic tank between the Lajeunesse house and the proposed construction, as well as the septic leach field and a telephone pole. The Board generally agreed that it was not really viable to locate the building elsewhere on the lot. Member Schmidt also noted that the Lajeunesses did try to buy additional land to solve the problem. Also, they cut down the size of the building they wanted to minimize the variance request.

The next criterion is whether the variance is substantial. Member Trzcinski said she did not think so, in light of the existing conditions. Member Shaughnessy disagreed. He feels that reducing the setback from 15 feet to 6 feet is excessive. He is also concerned about the property line dispute. Member Wohlleber noted that other buildings in the vicinity are almost that close to the property line.

The next criterion is whether granting the variance would have an adverse effect on the physical or environmental characteristics in the neighborhood. The Board concluded it would not.

The last criterion is whether the need for the variance was self-created. The Board concluded it was not.

Member Schmidt then offered a Resolution granting a variance reducing the side yard setback from the property line depicted on Survey Showing the Lands of Andrew P. Grimm, dated July 11, 2008, prepared by Michael P. Wheeler, L.S., from 15 feet to 6 feet. Member Wohlleber seconded. A roll call vote was taken. All voted in the affirmative except Member Shaughnessy, who voted in the negative.

The next item of business was the appeal and petition of MATTHEW FERLITO, owner-applicant, dated September 10, 2008, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a swimming pool on a lot located at 2 Sandcherry Hill Lane, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-25 District in that 15 feet is required but 10 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Mr. Ferlito appeared. He had nothing to add to his application submission. No one from the public wished to speak. No one on the Board had any problems with the application. Member Shaughnessy made a motion to classify the matter a Type 2 action under SEQRA. Member Wohlleber seconded. The motion carried 5 - 0. Member Trzcinski then offered a Resolution granting the variance as requested. Member Wohlleber seconded. The Resolution carried unanimously.

The next item of business was the appeal and petition of LISA M. ROMEO, owner-applicant, dated August 15, 2008, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a storage shed on a lot located at 3 Carolina Avenue, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-9 District in that 15 feet is required but 0 feet is proposed. Attorney Cioffi read the Notice of Public Hearing aloud.

Lisa Romeo appeared. She stated that they want to build the shed directly off their driveway. It is the most level spot. They are trying to best utilize the space on their small lot.

Wendy Scarce, 7 Carolina Avenue, stated that she lives on the adjacent property. She first heard about this when she received the hearing notice in the mail. Reducing the setback to zero is excessive. Although the lots in the area are small, Ms. Romeo has a double lot. A 20 foot long shed right on her property line would make her feel "hemmed in". Also, she has a water problem in that water seeps into her basement. She is concerned that having a 20 foot long shed immediately adjacent to her property line would exacerbate her water problem.

Ms. Romeo stated that she is not really asking to build right on the property line. It is really 1 - 2 feet off the line. Member Trzcinski asked whether the shed could be on the other side of the property. Ms. Romeo said it could not. The landscaping is all wrong and that is the only play area for the children. There was also discussion of moving the shed closer to the deck. Ms. Romeo said she spoke with Wendy Scarce about doing some grading work to alleviate the drainage and water problems. The work would be done at no cost to Ms. Scarce.

Member Shaughnessy stated that building that close to the property line is a concern. Attorney Cioffi asked how the Board could determine whether and to what extent the shed would cause drainage problems and exacerbate Ms. Scarce's water problem without getting an expert opinion. Member Schmidt said that if the shed could be moved away from the property line, the water issues might be less impacted. A 10' x 20' building that close to the line would surely aggravate drainage issues. Member Wohlleber said that he is really concerned about the water run-off. The Chairman asked whether the shed could be smaller. Ms. Romeo replied in the negative.

Ms. Scarce said that, in addition to the drainage issues, she will be able to see the shed whenever she looks out her dining room window. Ms. Romeo never discussed building the shed with her; only a swimming pool. She is very concerned about the water run-off.

The Chairman stated that the Board would need Ms. Romeo to submit an engineering opinion and drainage plan before proceeding in this matter. Member Shaughnessy made a motion to continue the public hearing to the December 15, 2008, meeting for further proceedings. Member Wohlleber seconded. The motion carried 5 - 0.

There being no further business, Member Wohlleber made a motion to adjourn. Member Shaughnessy seconded. The motion carried 5 - 0.

Dated: Brunswick, N.Y.  
November 8, 2008

Respectfully submitted,

  
THOMAS R. CIOFFI

Town Attorney - Zoning Board Secretary

NOTICE OF PUBLIC HEARING

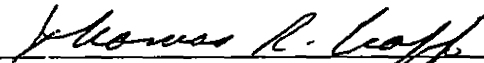
NOTICE IS HEREBY GIVEN that a Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York, will be held on the 20th day of October, 2008, at 6:00 P.M., at the Town Office Building located at 336 Town Office Road in the Town of Brunswick, on the appeal and petition of PHILIP and NOREEN LAJEUNESSE, owners-applicants, dated June 6, 2008, for an area variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed construction of a carport/storage area/workshop on a lot located at 3805 NY Route 2, Cropseyville, in the Town of Brunswick, because the proposed construction violates the side yard setback in an R-15 District in that 15 feet is required but 6 feet is proposed.

FURTHER NOTICE IS HEREBY GIVEN that said PHILIP and NOREEN LAJEUNESSE, owners- applicants, has petitioned for said area variance, and said appeal and petition are now on file in the Office of the Code Enforcement Officer, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
October 1, 2008

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
\_\_\_\_\_  
THOMAS R. CIOFFI  
Town Attorney

## NOTICE OF PUBLIC HEARING

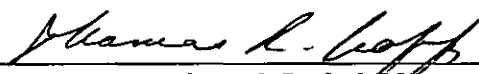
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FURTHER NOTICE IS HEREBY GIVEN that said WAL-MART STORE #2370, owner-applicant, has petitioned for said area variance, and said appeal and petition are now on file in the Office of the Code Enforcement Officer, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
October 1, 2008

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
\_\_\_\_\_  
THOMAS R. CIOFFI  
Town Attorney



NOTICE OF PUBLIC HEARING

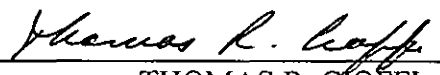
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FURTHER NOTICE IS HEREBY GIVEN that said MATTHEW FERLITO, owner- applicant, has petitioned for said area variance, and said appeal and petition are now on file in the Office of the Code Enforcement Officer, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
October 1, 2008

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
\_\_\_\_\_  
THOMAS R. CIOFFI  
Town Attorney

NOTICE OF PUBLIC HEARING

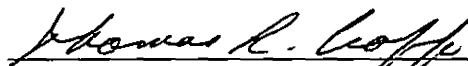
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FURTHER NOTICE IS HEREBY GIVEN that said LISA M. ROMEO, owner- applicant, has petitioned for said area variance, and said appeal and petition are now on file in the Office of the Code Enforcement Officer, where the same may be inspected by all interested persons during regular business hours.

All persons interested in said application will be heard at the above time and place.

Dated: Brunswick, New York  
October 1, 2008

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF BRUNSWICK

  
\_\_\_\_\_  
THOMAS R. CIOFFI  
Town Attorney