

Zoning Board of Appeals

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

Planning Board

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MINUTES OF THE ZONING BOARD OF APPEALS REGULAR MEETING AND PLANNING BOARD SPECIAL MEETING HELD MARCH 16, 2026

PRESENT for the Zoning Board of Appeals were ANN CLEMENTE, CHAIRPERSON, PATRICIA CURRAN, E. JOHN SCHMIDT, DARYL LOCKROW and MATTHEW GRAB.

PRESENT for the Planning Board were DAVID TARBOX, ACTING CHAIRMAN, LINDA STANCLIFFE, J. EMIL KREIGER and JOHN MAINELLO III.

ABSENT for the Planning Board were RUSSELL OSTER, DONALD HENDERSON and MICHAEL CZORNYJ.

ALSO PRESENT were KEVIN MAINELLO, Brunswick Building Department, and CHRISTOPHER LANGLOIS, ESQ., Attorney to both the Planning Board and Zoning Board of Appeals.

The Town of Brunswick Planning Board joined the Zoning Board of Appeals' regular meeting for the purpose of conducting a joint public hearing on the area variance application submitted to the Zoning Board of Appeals and the site plan amendment application submitted to the Planning Board by Zafer Ak concerning the modification of a commercial structure into a Golden Grain Pizza restaurant with outdoor seating on property located at 585 Hoosick Road.

Chairperson Clemente called the Zoning Board of Appeals regular meeting to order. Attorney Langlois explained the nature of the joint public hearing. Acting Chairman Tarbox called the Planning Board special meeting to order. Chairperson Clemente reviewed the agenda for the meeting, as posted on the Town sign board and Town website.

The first item of business on the agenda was an area variance application before the Zoning Board of Appeals and an application for an amendment to a previously-approved site plan before the Planning Board, both submitted by Zafer Ak for property located at 585 Hoosick Road. Nick Costa, of Advance Engineering & Surveying, was present to review the applications. The Notice of Joint Public Hearing was read into the record by Attorney Langlois, noting that the Notice of Joint Public Hearing was published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to the owners of all properties located within 300 feet of the project site. Chairperson Clemente opened the public hearing on the area variance application before the Zoning Board. Acting Chairman Tarbox opened the public hearing on the site plan amendment application before the Planning Board. Mr. Costa briefly reviewed the project, stating that the site plan application to modify the existing commercial building on the site into a Golden Grain Pizza restaurant had been previously approved by the Planning Board in November 2023, that construction on the project had begun and was ongoing, and that the outdoor patio had been erroneously built larger than what had been approved by the Planning Board. Mr. Costa stated that since the outdoor patio was larger, it was therefore closer to the property line, creating a smaller setback from the property line and requiring the area variance from the Zoning Board. Mr. Costa stated that the patio being built too big, as well as a loading dock and concrete refrigerator pad being added to the back of the site, were the specific site plan amendments before the Planning Board. Chairperson Clemente and Acting Chairman Tarbox then opened the floor for the receipt of public comments. Christie Fronhofer, of 72 Oneida Avenue, stated that she and her neighbors were in favor of the project, that the applicant was improving the site by modifying the previously vacant building into a restaurant, and that both Boards should approve the applications before them. Chairperson Clemente noted that Ms. Fronhofer had also submitted a written letter concerning the project, and entered that letter into the record. There were no further public

comments on the application. Chairperson Clemente asked if the building was an existing nonconforming structure. Mr. Costa confirmed that it was, and had been built in the early 1960s. Chairperson Clemente asked what the alternative was if the area variance was not granted, specifically if the oversized patio would need to be removed. Mr. Costa stated that outdoor dining at restaurants had become more prevalent in the wake of the Covid-19 pandemic and lockdowns, that the applicant had outdoor dining at the two existing Golden Grain Pizza locations, that outdoor dining during summer months was planned for this location, and that this location's business plan would be seriously affected if the patio needed to be removed entirely. Attorney Langlois asked what the cost would be of demolishing and rebuilding the patio. Mr. Costa stated that he did not know the exact cost, but that it would be expensive. Mr. Costa also clarified that part of the patio could not be removed to make the patio the size that was previously approved by the Planning Board due to the foundation of the patio also being oversized. Chairperson Clemente asked about the parking lot being built across Oneida Avenue and how pedestrians would access the site from that parking lot. Mr. Costa stated that a sidewalk was to be built along Oneida Avenue, which would lead to an existing crosswalk that would lead customers across Oneida Avenue to the restaurant. Member Curran noted that the overhang over the outdoor patio was also an issue, and asked what was being done about that. Mr. Costa confirmed that the overhang currently encroached a few inches into the right-of-way on Oneida Avenue, but that the applicant would cut back the overhang about two feet to eliminate that encroachment. Kevin Mainello confirmed that cutting back the overhang two feet would mitigate the issue. Chairperson Clemente asked what the area variance being requested was for specifically. Mr. Costa stated that the edge of the patio was only five feet from Oneida Avenue, so an area variance was needed for the setback from the road. Attorney Langlois asked if the applicant had been granted an area variance for the setback from Oneida Avenue when the project was initially approved in 2023. Kevin Mainello stated that the

applicant had not sought an area variance previously, and that that had been an oversight by the Building Department. Attorney Langlois asked what the setback from Oneida Avenue needed to be. Mr. Mainello stated that the parcel was a corner lot, meaning it had two front lot lines, and that 30 feet of setback from Oneida Avenue was required. Attorney Langlois asked if the building was already five feet from the property line elsewhere, not just the edge of the patio, and Mr. Costa confirmed that it was. Attorney Langlois asked to confirm that the area variance for front setback from Oneida Avenue was the only variance being requested of the Zoning Board, and Mr. Costa confirmed that it was. Attorney Langlois asked if the other additions to the back of the site affected the setbacks, and Mr. Costa stated that they did not. Mr. Mainello agreed that the additions to the back of the site did not require variances as they were not causing the footprint of the building to change. Acting Chairman Tarbox asked if the concrete pad at the back of the building had been there when the applicant purchased the building. Mr. Costa stated that it had not been and had been installed by the applicant. Acting Chairman Tarbox asked what the setback was from the edge of that concrete pad to the property line. Mr. Costa stated that it was approximately four feet. Acting Chairman Tarbox asked if a variance would be required for that setback. Mr. Mainello stated that that setback would be considered a side setback, but that the setback would be measured from the building, not the concrete pad, because that pad did not have a foundation and was therefore not considered part of the building. Acting Chairman Tarbox asked to confirm that a walk-in cooler was located inside the building, and Mr. Costa confirmed that it was. Member Stancliffe asked if the foundation of the patio was attached to the building, and Mr. Mainello confirmed that it was. Chairperson Clemente asked if bollards had been added to the site. Mr. Costa confirmed that bollards had been added, and stated that the bollards were another site plan modification that the Planning Board needed to review. Mr. Costa also stated that, based on comments made previously by the Planning Board, additional trees had been added along the back property line. Chairperson

Clemente asked if deer were expected to walk through the property, and Mr. Costa confirmed that they were. Ms. Fronhofer spoke again, stating that she liked the additional trees being added as screening. Ms. Fronhofer asked if the trees would be replaced if deer kept eating them and they became less adequate as screening, and Mr. Costa confirmed that they would be. Hearing no further public comments, Chairperson Clemente made a motion to close the public hearing on the area variance application before the Zoning Board, which was seconded by Member Curran. The motion was unanimously approved and the public hearing was closed. Acting Chairman Tarbox made a motion to close the public hearing on the site plan amendment application before the Planning Board, which was seconded by Member Stancliffe. The motion was unanimously approved and the public hearing was closed. Acting Chairman Tarbox then made a motion to close the special meeting of the Planning Board, which was seconded by Member Kreiger. The motion was unanimously approved and the special meeting was closed.

The Zoning Board then took a brief recess.

Upon returning from a brief recess, the draft minutes of the December 15, 2025 regular meeting were reviewed. Chairperson Clemente noted one correction: on page 9, line 3, “with” should be between “compliance” and “the”. Chairperson Clemente also asked about page 8, line 9, which specified a condition for the approval of the monument sign application submitted by AJ Sign Company for property located at 733-735 Hoosick Road as being that the lit monument sign needed to be turned off at 11:00 PM. Chairperson Clemente stated that she had spoken to John Mainello, who had been on the Zoning Board until January 1, 2026 and had requested that condition be put on the approval of the application, and asked him if he remembered specifying a time that the lit monument sign needed to be turned off, and he did not recall. Chairperson Clemente stated that she would like to review the video and audio of that meeting to confirm whether a set time was stated for when the lit monument sign needed to be turned off. Attorney

Langlois advised that the Zoning Board wait until that issue had been addressed before potentially approving the December 15, 2025 minutes. Chairperson Clemente stated that the December 15, 2025 minutes would be reviewed again at the Zoning Board's April 2026 regular meeting.

The first item of business on the agenda was an area variance application submitted by Zafer Ak for property located at 585 Hoosick Road. Nick Costa, of Advance Engineering & Surveying, was present to review the application. Chairperson Clemente stated that the Town had received a letter from the Rensselaer County Bureau of Economic Development and Planning stating that the project would not have a major impact on County plans and that local consideration shall prevail. Chairperson Clemente stated that the application was for a nonresidential action under SEQRA and that a short Environmental Assessment Form (EAF) had been submitted by the applicant. The Zoning Board members reviewed the short EAF and concluded that there would be no adverse environmental impacts resulting from the action. Chairperson Clemente made a motion for a negative declaration on the project under SEQRA, which was seconded by Member Curran. The Zoning Board voted unanimously to declare a negative declaration on the application under SEQRA. The Zoning Board then reviewed the elements for consideration on the area variance requested in the application. As to whether the requested variance would result in an undesirable change in the character of the neighborhood or create a detriment to nearby properties, Chairperson Clemente stated that the applicant was converting an empty building that had formerly been a dry cleaning business into a pizza restaurant, and that it would not be out of place for the area. As to whether a feasible alternative was available, Chairperson Clemente stated that the outdoor patio already existed and would need to be demolished entirely and rebuilt, which was not financially viable for the applicant. As to whether the requested variance was substantial, Chairperson Clemente stated that the building was an existing nonconforming structure; that the parcel was a corner lot, meaning it had two front setbacks, and that 30 feet of setback was required; that 25 feet

of relief was being requested; and that while the requested variance was substantial, the building being an existing nonconforming structure and the topography of the site mitigated that. As to whether the variance would create an adverse environmental impact, Member Schmidt stated that the one comment made during the public hearing was that the pizza restaurant would actually improve the neighborhood. As to whether the difficulty giving rise to the need for the variance was self-created, Chairperson Clemente stated that it was due to the applicant building the outdoor patio the wrong size. Chairperson Clemente stated that the Zoning Board needed to balance the benefit to the applicant with any potential detriments to the surrounding neighborhood. Member Schmidt made a motion to grant the area variance. Member Curran asked if conditions could be placed on the approval of the application, and the Zoning Board agreed to consider conditions. Members Curran and Grab noted that planting additional trees as vegetative screening along the back of the property had been brought up previously, and that that should be a condition. Chairperson Clemente stated that deer ate parts of the trees that were proposed to be planted and that the applicant would need to occasionally replace the trees or change the species of tree to be planted. Mr. Costa stated that the applicant could consult with a landscaper on what trees would be best. Chairperson Clemente stated that deer like to eat most types of trees. Mr. Mainello suggested that if a suitable substitute type of tree could not be selected, that a fence be installed to provide screening instead. Mr. Costa agreed to do so, and stated that installing a fence instead of trying to find another species of tree may be the better option. Mr. Mainello also stated that cutting back the overhang by two feet should also be a condition, which Mr. Costa agreed with. Attorney Langlois stated that the two conditions before the Zoning Board were: that the applicant cut back the overhang over the outdoor patio by two feet, and that the applicant install and maintain either vegetative screening or a fence along the back of the property. Member Lockrow asked if vegetative screening was necessary for the overflow parking lot across the street. The Zoning

Board determined that no additional screening would be required for the overflow parking lot across the street. Member Schmidt again made a motion to grant the area variance, subject to the two stated conditions, which was seconded by Member Grab. The motion was unanimously approved and the area variance was granted subject to the two conditions. Chairperson Clemente directed Mr. Costa to instruct the applicant to continue working with the Town Building Department on this matter.

There was no new business to discuss.

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The index for the March 16, 2025 regular meeting is as follows:

1. Golden Grain Pizza – area variance (approved with conditions).

There are currently no agenda items for the April 20, 2026 regular meeting.